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इस भाग में भिन्न पृष्ठ संलग्न दी जाती है जिससे कि यह घरगुत संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किये गए विविध प्रावेश और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

New Delhi, the 6th March 1970

S. O. 1036.—In exercise of the powers conferred by section 21 and sub-section (1) of section 22 of the Representation of the People Act, 1951 (43 of 1951), and in supersession of its notification No. 434/TP/66, dated the 6th October, 1966, the Election Commission hereby appoints in respect of each of the Parliamentary constituencies in the Union Territory of Tripura specified in column 1 of the Table below :—

- (a) the officer specified in the corresponding entry in column 2 of the said Table to be the Returning Officer; and
- (b) the officers specified in the corresponding entry in column 3 of the said Table to be the Assistant Returning Officers.

TABLE

Name of the constituency	Returning Officer	Assistant Returning Officers	
		1	2
I. Tripura West . . .	• District Magistrate & Collector, Tripura, Agartala.	1. Additional District Magistrate & Collector (Revenue), Tripura, Agartala.	3

2. Tripura East (ST)	District Magistrate & Collector, Tripura, Agartala.	2. Magistrate First Class (Sub-Divisional Officer), Sadar, Agartala. 3. Shri M. L. Das Gupta, Sub-Deputy Collector, Sub-Divisional Officers' office, Sadar, Agartala. 4. Shri S. K. Ganguly, Sub-Deputy Collector Sub-Divisional Officer's Office, Sadar Agartala. 5. Magistrate First Class (Sub-Divisional Officer), Sonamura. 6. Magistrate First Class (Sub-Divisional Officer), Udaipur. 7. Magistrate First Class (Sub-Divisional Officer), Belonia.
		1. Additional District Magistrate & Collector (Revenue), Tripura, Agartala. 2. Magistrate First Class (Sub-Divisional Officer), Udaipur. 3. Magistrate First Class (Sub-Divisional Officer), Sabroom. 4. Magistrate First Class (Sub-Divisional Officer), Amarpur. 5. Magistrate First Class (Sub-Divisional Officer), Khowai. 6. Magistrate First Class (Sub-Divisional Officer), Kamalpur. 7. Magistrate First Class (Sub-Divisional Officer), Mailashahar. 8. Magistrate First Class (Sub-Divisional Officer), Dharmanagar. 9. Sub-Treasury Officer, (Sub-Deputy Collector), Dharmanagar.

[No. 434/TP/69.]

By Order,
ROSHAN LAL, Secy.

भारत निर्बाचन आयोग

नई दिल्ली, 6 मार्च, 1970

का० आ० 1036:—लोक प्रतिनिधित्व अधिनियम 1951 (1951 का 43) की धारा 21 और धारा 22 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा अपनी अधिसूचना संख्या 434 /निपुरा/ 66, तारीख 6 अक्टूबर, 1966 को अतिष्ठित करके निर्बाचन आयोग निम्नलिखित सारणी के स्तम्भ 1 में विनिर्दिष्ट निपुरा संघ राज्य क्षेत्र में के हर एक संसदीय निर्बाचन क्षेत्रों के बारे में—

(क) उक्त सारणी के स्तम्भ 2 में तत्समान प्रविष्टि में विनिर्दिष्ट आफिसर को रिटार्निंग आफिसर; तथा

(ख) उक्त सारणी के स्तम्भ 3 में तत्समान प्रविष्टि में विनिर्दिष्ट आफिसरों को सहायक रिटार्निंग आफिसर

एवं द्वारा नियुक्त करता है।

रास्ती

निवाचित क्षेत्र का नाम	रिटार्निंग आफिसर	सहायक रिटार्निंग आफिसर
1	2	3
1. त्रिपुरा पश्चिम	जिला मजिस्ट्रेट एवं कलक्टर, त्रिपुरा, अगरतला ।	1. अपर जिला मजिस्ट्रेट एवं कलक्टर (राजस्व), त्रिपुरा, अगरतला । 2. मजिस्ट्रेट प्रथम श्रेणी (उप-खंड आफिसर), सदर, अगरतला । 3. श्री एम० एल० दास गुप्ता, सब-छिप्टी कलक्टर, उप-खंड आफिसर का कार्यालय, सदर, अगरतला । 4. श्री एस० के० गंगुली, सब-छिप्टी कलक्टर, उप-खंड आफिसर का कार्यालय, सदर, अगरतला । 5. मजिस्ट्रेट प्रथम श्रेणी, (उप-खंड आफिसर), सोनामुरा । 6. मजिस्ट्रेट प्रथम श्रेणी, (उप-खंड आफिसर), उदयपुर । 7. मजिस्ट्रेट प्रथम श्रेणी, (उप-खंड आफिसर), बेलोनिआ ।
2. त्रिपुरा पूर्व (श्र० ज० जा०)	जिला मजिस्ट्रेट, एवं कलक्टर, त्रिपुरा, अगरतला ।	1. अपर जिला मजिस्ट्रेट एवं कलक्टर (राजस्व), त्रिपुरा, अगरतला । 2. मजिस्ट्रेट प्रथम श्रेणी, (उप-खंड आफिसर), उदयपुर । 3. मजिस्ट्रेट प्रथम श्रेणी, (उप-खंड आफिसर), सत्रम । 4. मजिस्ट्रेट प्रथम श्रेणी, (उप-खंड आफिसर), अमरपुर । 5. मजिस्ट्रेट प्रथम श्रेणी, (उप-खंड आफिसर), खोबाई । 6. मजिस्ट्रेट प्रथम श्रेणी, (उप-खंड आफिसर), कमालपुर । 7. मजिस्ट्रेट प्रथम श्रेणी, (उप-खंड आफिसर), कलाशहर ।

8. मजिस्ट्रेट प्रथम श्रेणी, (उप-खंड आफिसर), धर्म नगर ।
 9. सब-ट्रेजरी आफिसर (सब-डिप्टी कलकटर), धर्म नगर ।

[सं० 434/लिपुरा/69.]

आवेदन से,

रोशन, लाल सचिव ।

ORDERS

New Delhi, the 20th February 1970

S.O. 1037.—Whereas the Election Commission is satisfied that Shri Chhotey Lal, s/o Shri Kuber, R/o village Kumharua Post Office Palhrai District Shahjahanpur, (Uttar Pradesh), a contesting candidate for mid-term general election held in February, 1969 to the Uttar Pradesh Legislative Assembly from 64-Jalalabad Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Chhotey Lal, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/64/69(18).]

आवेदन

नई दिल्ली, 20 फरवरी, 1970

एस० आ० 1037:—यतः, निर्वाचन आयोग का समाधान हो गया है कि फरवरी, 1969 में हुए उत्तर प्रदेश विधान सभा के लिए मध्यांगधि निर्वाचन के लिए 64-जलालाबाद निर्वाचन-क्षेत्र संघान लड़ने वाले उम्मीदवार श्री छोटे लाल सुपुत्र श्री कुबेर, निवासी गांव कुम्हारपुर, लाल पत्तरई, जिला शाहजहांपुर (उ० प्र०), लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्वधीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

2. और, यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

3. अतः, अब, उक्त अधिनियम की धारा 10-के अनुसरण में निर्वाचन आयोग एवं द्वारा उक्त श्री छोटे लाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद्

के सदस्य चुने जाने और होने के लिए इस शास्त्र की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

सं० उ० प्र०-वि० स०/64/69 (13)]

New Delhi, the 25th February 1970

S.O. 1038.—Whereas the Election Commission is satisfied that Shri T. Jayaraman, Ponnagar Colony, Nedungadu (Pondicherry) a contesting candidate for the mid-term election held in March, 1969 to the Pondicherry Legislative Assembly from Cottcher constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares that the said Shri T. Jayaraman to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. PD-LA/21/69.]

नई चिल्ली, 25 फरवरी, 1970

एस० अ० 1038.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1969 में दुए पांचिं-चेरी विधान सभा के लिए मध्यावधि निर्वाचन के लिए कोटचेरी निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री टी० जयरामन, पोन्नागर कालोनी, नेदुनगड़ (पांचिंचेरी) लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्यायों का कोई भी लेखा वाखिल करने में असफल रहे हैं ;

यद्यपि, यतः, उक्त उम्मीदवार उसे समृद्ध सूचना दिए जाने पर भी लेखा वाखिल करने में असफल रहा है और उसने अपनी इस असफलता के लिए कोई कारण अस्थाप्तीकरण नहीं दिया है ; तथा निर्वाचन आयोग का यह समाधान हो गया है कि उसके पास इस प्रसफलता के लिए कोई पर्याप्त कारण या व्यापीचित्य नहीं है ;

अतः, यद्यपि, उक्त अधिनियम की धारा 10-क के अन्तरण में निर्वाचन आयोग एवं द्वारा उक्त श्री टी० जयरामन को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए, इस शास्त्र की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० पांचिं-वि० स०/21/69].

New Delhi, the 26th February 1970

S.O. 1039.—Whereas the Election Commission is satisfied that Shri Prabhu Dayal Agrawal, S/o Shri Angad Lal 87/8, Hiraganj, Kanpur, Uttar Pradesh, a contesting candidate for election to the Uttar Pradesh Legislative Assembly from 296-Govindnagar Assembly Constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

2. And whereas, the said candidate even after due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

3. Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Prabhu Dayal Agrawal, to be disqualified for being chosen as and for being a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. UP-LA/296/69(14).]

By Order,

A. N. SEN, Secy.

नहीं विलंबी, 26 फरवरी, 1970

एस० ओ० 1039.—यतः, निर्वाचन आयोग का समाधान हो गया है कि उत्तर प्रदेश विधान सभा के लिए निर्वाचन के लिए 296-प्र० विन्दू नगर निर्वाचन क्षेत्र से चुनाव लड़ने लाले उम्मीदवार श्री प्रभु दयाल अग्रवाल सुनुव श्री अंगद लाल 87/6 हीरांगज, कानपुर, उत्तर प्रदेश, सोक प्रतिनिधित्व अधिनियम 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा वाखिल करने में असफल रहे हैं ;

2. और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिए जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा साड़ीकरण नहीं दिया है और निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास इस अमरकनता के लिए कोई पर्याप्त कारण या न्यायोचित नहीं है ;

3. यतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री प्रभु दयाल अग्रवाल को संप्रद के लिए भी सद्द के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की नारीख में तीन वर्ष की कानावधि के लिए निरहित घोषित करता है ।

[स० उ०प्र०-वि०स० 296/69(14)]

आदेश से,

ए० एन० सैन, सचिव ।

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 4th March 1970

(To be substituted for the Ministry of Finance (Department of Expenditure) Notification No. F.1(16)-E.I(A)/61-E.I(B)/67 dated the 27th May, 1969, published under S.O. 2574 dated the 27th May, 1969 in the Gazette of India of the 5th July, 1969).

S.O.1040.—In exercise of the powers conferred by the proviso to article 309 of the Constitution and of all other powers enabling him in that behalf, the President hereby makes the following rules to amend the Ministry of Finance (Department of Expenditure—Staff Inspection Unit) Recruitment Rules, 1965, published with notification No. S.O. 1572 dated the 22nd May, 1965 of the Government of India, in the Ministry of Finance, Department of Expenditure, namely :—

1. (1) These rules may be called the Ministry of Finance (Department of Expenditure—Staff Inspection Unit) Recruitment Amendment Rules, 1969.
2. They shall come into force at once.

2. In the Schedule to the Ministry of Finance (Department of Expenditure—Staff Inspection Unit) Recruitment Rules, 1965:—

(i) Items 2 to 4 shall be renumbered as item 3 to 5, and

(ii) before item 3 as so renumbered, the following

1	2	3	4	5	6
2. Research-cum-Training Officer	General Central Service Class I, Gazetted.	Rs. 700—40—1100—50/2—1250 Provided that when the post is held by an Officer who was already in the grade of Rs. 900—50—1250 at the time of his appointment to the same, the grade applicable to him shall be Rs. 900—50—1250.	N.A.	Age limits & educational qualifications will be prescribed in consultation with the U.P.S.C. as and when the post may have to be filled by direct recruitment.	

item shall be inserted, namely :—

7	8	10	11	12
N.A.	Two Years	<p>By transfer/deputation, failing these by direct recruitment.</p> <p><i>Transfer/Deputation</i> : Officers of equivalent status, or officers drawing a basic pay falling within the scales of pay applicable to the post, particularly from,—</p> <ul style="list-style-type: none"> (1) Central Secretariat Service, Grade I. (2) Indian Audit & Accounts Department. (3) Indian Defence Accounts Department. (4) Income Tax Department. (5) Central Excise Department. (6) Customs Department. (7) Posts & Telegraphs Department. (8) Railway Department including Railway Board Secretariat Service. (9) Armed Forces Headquarters Civil Service. <p><i>Period of deputation</i> :</p> <p>Ordinarily not exceeding 3 years but may be extended upto 5 years in the exigencies of service.</p>		N.A. As required under the rules.

N.A. denotes "Not Applicable"

[No. F. 1(16)-E.I(A)/61-E.I(B)/67.]

NARSINGH LALL. Under Secy.

वित्त मंत्रालय

(व्यय विभाग)

नई दिल्ली, 4 मार्च 1970

(5 जुलाई, 1969 के भारत के राजपत्र में का० आ० 2575, तारीख 27 मई, 1969 के अन्तर्गत प्रकाशित, वित्त मंत्रालय (व्यय विभाग) की अधिसूचना सं० फा० 1 (16)–ई०-1 (ए) / 61–ई०-1 (बी) / 67, तारीख 27 मई, 1969 के स्थान पर प्रतिस्थापनार्थ)

एस० आ० 1040:—राष्ट्रपति, संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों और इस निमित्त उन्हें समर्थ बनाने वाली अन्य सभी शक्तियों का प्रयोग करते हुए, भारत सरकार के वित्त मंत्रालय, व्यय विभाग की अधिसूचना सं० फा० 1 आ० 1572, तारीख 22 मई, 1965 के साथ प्रकाशित वित्त मंत्रालय (व्यय विभाग—कर्मचारिकृन्द निरीक्षण यूनिट) भर्ती नियम, 1965 में संशोधन करने के लिए एतद्वारा निम्नलिखि॒। नियम बनाते हैं, अर्थात् :—

1. (1) ये नियम वित्त मंत्रालय (व्यय विभाग—कर्मचारिकृन्द निरीक्षण यूनिट) भर्ती संशोधन नियम, 1969 कहे जा सकेंगे।
(2) ये तुरन्त प्रवृत्त हो जाएंगे।
2. वित्त मंत्रालय (व्यय विभाग—कर्मचारिकृन्द निरीक्षण यूनिट) भर्ती नियम, 1965 की अनुसूची में :—
(i) 2 से 4 तक की मदें 3 से 4 तक की मदों के रूप में पुनः संख्याक्रित की जाएगी, और
(ii) इस प्रकार पुः संख्याक्रित मद 3 से पहले निम्नलिखि॒ भद्र अन्तःस्थापित की जाएगी, अर्थात् :—

1	2	3	4	5 और 6	7
अनुसंधान	साधारण	रु० 700-40-1100	लागू	जंब कभी पद	लागू नहीं
एवं प्रशिक्षण	केन्द्रीय सेवा	50/2-1250 :	नहीं	सीधी भर्ती द्वारा	होता
आफिसर	वर्ग-1, राज-पन्नित	परन्तु जब वह पद ऐसे आफिसर द्वारा धारित किया जाता है जो उस पर अपनी नियुक्ति के समय पहले से ही रु० 900-50-1250 की श्रेणी में था तो उसे लागू होने वाली श्रेणी रु० 900-50-1250 होगी।	होता	भरा जाना हो तो आयु-सीमा और क्षेत्रिक अर्हताएं सं० लो० सं० आ० के परामर्श से विहित की जाएगी।	

8	9	10	11	12
दो वर्षे	अन्तरण/प्रति- नियुक्ति द्वारा जिनके न होने पर सीधी भर्ती द्वारा	अन्तरण/प्रतिनियुक्ति समतुल्य प्राप्तिका के आफिसर या [ऐसे आफिसर जो पद के लागू वेतनमान के अन्तर्गत आने वाला मूल वेतन लेते हों विशि- ष्टतः निम्नलिखित से : (1) केन्द्रीय सचिवालय सेवा श्रेणी । (2) भारतीय संपरीक्षा और लेखा विभाग । (3) भारतीय रक्षा लेखा विभाग । (4) आयकर विभाग । (5) केन्द्रीय उत्पाद शुल्क विभाग । (6) सीमाशुल्क विभाग ।	लागू नहीं होता	जैसा नियमों के अधीन अपेक्षित हो

1

2

3

4

5

6

7

(7) डाक-तार विभाग ।

(8) रेल विभाग जिनके अन्तर्गत रेल बोर्ड सचिवालय सेवा है ।

(9) सशस्त्र बल मुख्यालय सिविल सेवा ।

प्रतिनियुक्ति की कालावधि मामूली तौर पर 3 वर्ष से अधिक नहीं होगी किन्तु सेवा की अध्यावश्यकताओं के अनुसार उसे बढ़ा कर 5 वर्ष तक किया जा सकेगा ।

[सं० फा० 1(16)-स्था०/(क)/61-स्था०(ष)/67]

नरसिंह लाल, अवर सचिव ।

(Department of Banking)

New Delhi, the 24th February 1970

S.O. 1041.—Statement of the Affairs of the Reserve Bank of India, as on the 6th February, 1970.

BANKING DEPARTMENT

LIABILITIES		Rs.	ASSETS	Rs.
Capital	Paid Up	5,00,00,000	Notes	26,75,00,000
			Rupee Coin	3,37,000
Reserve Fund		150,00,00,000	Small Coin	3,69,000
			Bills Purchased and Discounted:—	
National Agricultural Credit (Long Term Operations) Fund		155,00,00,000	(a) Internal	..
			(b) External	..
			(c) Government Treasury Bills	52,87,30,000
National Agricultural Credit (Stabilisation) Fund		35,00,00,000	Balances Held Abroad*	107,54,27,00
			Investments**	92,18,23,000
			Loans and Advances to:—	
National Industrial Credit (Long Term Operations) Fund		75,00,00,000	(i) Central Government	..
			(ii) State Governments @	135,62,34,000
Deposits:—			Loans and Advances to :	
(a) Government			(i) Scheduled Commercial Banks†	162,69,03,000
(i) Central Government		50,96,80,000	(ii) State Co-operative Banks††	283,63,41,000
(ii) State Governments		12,41,48,000	(iii) Others	2,62,21,000
			Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund	

(b) Banks—		(a) Loans and Advances to:—	
(i) Scheduled Commercial Banks	153,35,86,000	(i) State Governments	31,66,53,000
(ii) Scheduled State Co-operative Banks	7,51,090	(ii) State Co-operative Banks	15,23,58,000
(iii) Non-Scheduled State Co-operative Banks	64,53,000	(iii) Central Land Mortgage Banks
(iv) Other Banks	17,23,000	(b) Investment in Central Land Mortgage Bank Debentures	9,74,61,000
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund	
		Loans and Advances to State Co-operative Banks	6,53,20,000
(c) Others	171,68,45,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund	
Bills Payable	46,75,32,000	(a) Loans and Advances to the Development Bank	6,26,71,000
Other Liabilities	111,16,14,000	(b) Investment in bonds/debentures issued by the Development Bank
		Other Assets	41,23,42,000
Rupees	974,66,90,000	Rupees	974,66,90,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 49,54,60,000/- advanced to scheduled commercial banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 11th day of February, 1970.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 6th day of February, 1970

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	26,75,00,000		Gold Coin and Bullion:—		
			(a) Held in India	182,53,11,000	
Notes in circulation	3761,80,02,000		(b) Held outside India		
Total Notes issued	3788,55,02,000		Foreign Securities	296,42,00,000	
			TOTAL	478,95,11,000	
			Rupees Coin	67,24,88,000	
			Government of India Rupee Securities	3242,35,03,000	
			Internal Bill of Exchange and other commercial paper	..	
TOTAL LIABILITIES	3788,55,02,000		TOTAL ASSETS	3788,55,02,000	

Dated the 11th day of February, 1970.

(Sd.) L. K. JHA,
Governor.
[No. F. 3(3)-BC/70.]

New Delhi, the 26th February 1970

S.O. 1642.—In pursuance of clause (a) of sub-section (1) read with sub-section (4) of section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby re-appoints Shri J. J. Anjaria as a Deputy Governor of the Reserve Bank of India for a period of one month from the 1st to the 28th February, 1970.

[No. F. 3(9)-BC/70.]

New Delhi, the 4th March 1970

S.O. 1043.—Statement of the Affairs of the Reserve Bank of India, as on the 20th February, 1970

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	18,02,17,000
Reserve Fund	150,00,00,000	Rupee Coin	3,85,000
National Agricultural Credit (Long Term Operations) Fund	155,00,00,000	Small Coin	3,79,000
National Agricultural Credit (Stabilisation) Fund	35,00,00,000	Bills Purchased and Discounted :— (a) Internal	..
National Industrial Credit (Long Term Operations) Fund	75,00,00,000	(b) External	..
Deposits— (i) Government— (ii) Central Government	85,33,08,000	(c) Government Treasury Bills	23,99,88,000
		Balances Held Abroad*	98,37,40,000
		Investments**	95,88,74,000
		Loans and Advances to :— (i) Central Government	..
		(ii) State Governments@	163,45,25,000
		Loans and Advances to :— (i) Scheduled Commercial Banks	224,54,67,000
		(ii) State Co-operative Banks†	274,39,91,000
		(iii) Others	3,22,76,000

Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—

(i) State Governments	7,03,22,000	(a) Loans and Advances to—	
		(i) State Governments	31,85,68,000
		(ii) State Co-operative Banks	14,66,81,000
		(iii) Central Land Mortgage Bank	..
(b) Banks—		(b) Investment in Central Land Mortgage Bank Debentures	9,74,61,000
(i) Scheduled Commercial Banks	173,51,00,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(ii) Scheduled State Co-operative Banks	7,84,21,000	Loans and Advances to State Co-operative Banks	5,76,22,000
(iii) Non-Scheduled State Co-operative Banks	58,04,000		
(iv) Other Banks	22,64,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(c) Others	161,46,73,000	(a) Loans and Advances to the Development Bank	6,26,71,000
Bills payable	39,73,62,000	(b) Investment in bonds/debentures issued by the Development Bank	
Other Liabilities	113,62,15,000	Other Assets	42,06,24,000
	1009,34,69,000		1009,34,69,000
Rupees		Rupees	

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

② Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary over-drafts to State Governments.

†Includes Rs. 73,45,85,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 25th day of February 1970.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 20th day of February, 1970.
 ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department			Gold Coin and Bullion —		
Notes in Circulation	18,02,17,000		(a) Held in India	182,53,11,000	
	3781,18,41,000		(b) Held outside India		
Total Notes issued	3799,20,58,000		Foreign Securities	305,42,00,000	
			TOTAL	488,95,11,000	
			Rupee Coins	67,90,40,000	
			Government of India Rupee Securities	3242,35,07,000	
			Internal Bills of Exchange and other commercial paper		
TOTAL LIABILITIES	3799,20,58,000		TOTAL ASSETS		3799,20,58,000

Dated the 25th day of February, 1970.

(Sd.) L. K. JHA,
 Governor.
 [No. F. 3(3)-BC, 70.]

(बैंकिंग विभाग)

नई दिल्ली, 4 मार्च, 1970

एता० श्रो० 1043.—20 फरवरी 1970 को रिजर्व बैंक आफ इंडिया के बैंकिंग विभाग के कार्यक्लाप का विवरण

देयताएं	रुपये	आस्तियां	रुपये
चुक्ता पूँजी	5,00,00,000	नोट	18,02,17,000
आरक्षित निधि	150,00,00,000	रुपये का सिक्का	3,85,000
		छोटा सिक्का	3,79,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि	155,00,00,000	खरीद और भुताये गये बिल :—	
राष्ट्रीय कृषि ऋण (स्थरीकरण) निधि	35,00,00,000	(क) देशी	..
		(ख) विदेशी	..
		(ग) सरकारी खजाना बिल	23,99,88,060
राष्ट्रीय शौधोगिक ऋण (दीर्घकालीन क्रियाएं) निधि	75,00,00,000	विदेशों में रखा हुआ बकाया*	98,37,40,000
		निवेश**	95,88,74,000
जमा राशियां :—			
(क) सरकारी		ऋण और अधिक्रम :—	
(i) केन्द्रीय सरकार	85,33,08,000	(i) केन्द्रीय सरकार को	..
(ii) राज्य सरकारें	7,03,22,000	(ii) राज्य सरकारें को @	160,45,25,000
(ख) बैंक		ऋण और अधिक्रम :—	
(i) अनुसूचित वाणिज्य बैंक	173,51,00,000	(i) अनुसूचित वाणिज्य बैंकों को†	224,54,67,000
(ii) अनुसूचित राज्य सहकारी बैंक	7,84,21,000	(ii) राज्य सहकारी बैंकों को†	274,39,91,000
		(iii) दूसरों को	3,22,76,000
		राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से	
		ऋण, अधिक्रम और निवेश :—	

देयताएँ	रुपये	आस्तियां	रुपये
		(क) ऋण और अग्रिमः—	
(iii) गैर-अनुसूचित राज्य सहकारी बैंक	58,04,000	(i) राज्य सरकारों को	31,85,68,000
(iv) अन्य बैंक	22,64,000	(ii) राज्य सहकारी बैंकों को	14,66,81,000
		(iii) केन्द्रीय भूमिक्षणक बैंकों को	
(ग) अन्य	161,46,73,000	(ब) केन्द्रीय भूमिक्षणक बैंकों के डिवेंचरों में निवेश राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण, और अग्रिम	9,74,61,000
देय बिल	39,73,62,000	राज्य सहकारी बैंकों को ऋण और अग्रिम राष्ट्रीय ओद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि से ऋण, अग्रिम और निवेश :-	5,76,22,000
अन्य देयताएँ	113,62,15,000	(क) विकास बैंक को ऋण और अग्रिम, (ब) विकास बैंक द्वारा जारी किये गये बांडों/डिवेंचरों में निवेश अन्य आस्तियां	6,26,71,000 42,06,24,000
रुपये	1009,34,69,000	रुपये	1009,34,69,000

*नकदी, आवधि, जमा और अल्पकालीन प्रतिभूतियां शामिल हैं।

**राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय ओद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि में निवेश शामिल नहीं है।

③राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं है, परन्तु राज्य सरकारों के अस्थायी ओवरड्रॉफ्ट शामिल हैं।

†रिजर्व बैंक आफ इंडिया अधिनियम की घारा 17 (4) (ग) के अधीन अनुसूचित वाणिज्य बैंकों को मियादी बिलों पर अग्रिम दिये गये 73,45,85,000
रुपये शामिल हैं।

‡राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं।

तारीख : 25 फरवरी, 1970।

रिजर्व बैंक ऑफ इंडिया अधिनियम, 1934 के अनुसरण में फरवरी 1970 की 20 तारीख को समाप्त हुए सप्ताह के लिये लेखा
इकू विभाग

देयताएं	रुपये	रुपये	आस्तियां	रुपये	रुपये
बैंकिंग विभाग में रखे हुए			सोने का सिक्का और बुलियन		
नोट	18,02,17,000		(क) भारत में रखा हुआ	182,53,11,000	
संचलन में नोट	3781,18,41,00		(ख) भारत के बाहर रखा हुआ	..	
जारी किए गए कुल नोट	13799,20,58,000		विदेशी प्रतिभूतियां	306,42,00,000	
			जोड़	..	488,95,11,000
			रुपये का सिक्का	..	67,90,40,000
			भारत सरकार की रुपया	..	3242,35,07,000
			प्रतिभूतियां	..	
			देशी विनियम बिल और	..	
			दूसरे वाणिज्य पत्र	..	
कुल देयताएं	3799,20,58,000		कुल आस्तियां	..	3799,20,58,000

तारीख 25 फरवरी, 1970।

(ह०) लक्ष्मी कान्त ज्ञा,
गवर्नर ।

[सं० एफ० 3(3)-बी० सी०/70]

New Delhi, the 9th March 1970

S.O. 1044—Statement of the Affairs of the Reserve Bank of India, as on the 27th February, 1970.

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital Paid Up	5,00,00,000	Notes	19,38,84,000
		Rupee Coin	9,97,000
Reserve Fund	150,00,00,000	Small Coin	3,97,000
National Agricultural Credit (Long Term Operations) Fund	155,00,00,000	Bills Purchased and Discounted :—	
		(a) Internal	..
		(b) External	..
		(c) Government Treasury Bills	35,95,19,000
National Agricultural Credit (Stabilisation) Fund	35,00,00,000	Balances Held Abroad*	108,55,98,000
National Industrial Credit (Long Term Operations) Fund	75,00,00,000	Investments**	83,92,62,000
Deposits :—		Loans and Advances to :—	
(a) Government :—		(i) Central Government	..
(i) Central Government	78,44,38,000	(ii) State Governments @	153,38,23,000
		(iii) Others	222,11,33,000
			273,63,85,000
			2,67,51,000

		Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—	
(ii) State Governments	7,68,25,000	(a) Loans and Advances to :—	
		(i) State Governments	31,80,04,000
		(ii) State Co-operative Banks	14,41,99,000
		(iii) Central Land Mortgage Banks	
(b) Banks :—		(b) Investment in Central Land Mortgage Bank Debentures	9,74,61,000
		Loans and Advances from National Agricultural Credit (Stabilisation) Fund—	
(i) Scheduled Commercial Banks	170,56,89,000	Loans and Advances to State Co-operative Banks	5,68,96,000
(ii) Scheduled State Co-operative Banks	8,53,78,000	Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—	
(iii) Non-Scheduled State Co-operative Banks	59,75,000	(a) Loans and Advances to the Development Bank	6,26,71,000
(iv) Other Banks	23,52,000	(b) Investment in bonds/ debentures issued by the Development Bank	
(c) Others	160,47,52,000	Other Assets	43,15,74,000
Bills payable	45,55,54,000		
Other Liabilities	118,75,91,000		
Rupees	1010,85,54,000	Rupees	1010,85,54,000

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary over-drafts to State Governments.

†Includes Rs. 71,36,65,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 4th day of March, 1970.

An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 27th day of February, 1970.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	19,88,84,000		Gold Coin and Bullion :—		
(a) Held in India				182,53,11,000	
(b) Held outside India				..	
Notes in circulation	<u>3755,55,28,000</u>		Foreign Securities		
Total Notes issued	3774,94,12,000		TOTAL		488,95,11,000
			Rupee Coin		68,63,33,000
			Government of India Rupee Securities		3217,35,68,000
			Internal Bills of Exchange and other Commercial paper		..
Total Liabilities	<u>3774,94,12,000</u>		Total Assets		3774,94,12,000

Dated the 4th day of March, 1970.

(Sd.) L. K. JHA,
Governor.
[No. F. 3(3)-BC/70.]

K. YESURATNAM, Under Secy.

नई दिल्ली, 9 मार्च, 1970

एस० नॉ० 1044:— 27 फरवरी 1970 को रिजर्व बैंक ऑफ इंडिया के बैंकिंग विभाग के कार्यकलाप का विवरण

देयताएँ	रुपये	आस्तियाँ	रुपये
चुक्ता पूँजी	5,00,00,000	नोट	19,38,84,000
आरक्षित निधि	150,00,00,000	रुपये का सिक्का	9,97,000
		छोटा सिक्का	3,97,000
राष्ट्रीय कृषि क्रहण (दीर्घकालीन क्रियाएँ) निधि	155,00,00,000	खरीदे और भुलाये गये बिल	
राष्ट्रीय कृषि क्रहण (स्थिरीकरण) निधि	35,00,00,000	(क) देशी	
		(ख) विदेशी	
		(ग) सरकारी खजाना बिल	35,95,19,000
राष्ट्रीय श्रीदोगिक क्रहण (दीर्घकालीन क्रियाएँ) निधि	75,00,00,000	विदेशों में रखा हुआ बकाया*	108,55,98,000
		निवेश†	83,92,62,000
जमा राशियाँ:—		क्रहण और अधिक्रम:—	
(क) सरकारी			
(i) केन्द्रीय सरकार	78,44,38,000	(i) केन्द्रीय सरकार को	
(ii) राज्य सरकारें	7,68,25,000	(ii) राज्य सरकारों को @	153,38,23,000
(ख) बैंक		क्रहण और अधिक्रम:—	
(i) अनुसूचित वाणिज्य बैंक	170,56,89,000	(i) अनुसूचित वाणिज्य बैंकों को †	222,11,33,000
(ii) अनुसूचित राज्य सहकारी बैंक	8,53,78,000	(ii) राज्य सहकारी बैंकों को † ‡	273,63,85,000
		(iii) दूसरों को	2,67,51,000

देयताएं	रुपये	आस्तियां	रुपये
		राष्ट्रीय कृषि कृष्ण (दीर्घकालीन क्रियाएं) निधि से कृष्ण, अग्रिम और निवेश :—	
(क) कृष्ण और अग्रिम :—			
(iii) गैर अनुसूचित राज्य सहकारी बैंक	59,75,000	(i) राज्य सरकारों को	31,80,04,000
(iv) अन्य बैंक	23,52,000	(ii) राज्य सहकारी बैंकों को	14,41,99,000
(iii) केन्द्रीय भूमिबन्धक बैंकों को
(ग) अन्य	160,47,52,000	(ख) केन्द्रीय भूमिबन्धक बैंकों के डिवेचरों में निवेश राष्ट्रीय कृषि कृष्ण (स्थिरीकरण) निधि से कृष्ण और अग्रिम	9,74,61,000
देय बिल	45,55,54,000	राज्य सहकारी बैंकों को कृष्ण और अग्रिम	5,68,96,000
अन्य देयता	118,75,91,000	राष्ट्रीय औद्योगिक कृष्ण (दीर्घकालीन क्रियाएं) निधि से कृष्ण, अग्रिम और निवेश :—	
		(क) विकास बैंक को कृष्ण और अग्रिम	6,26,71,000
		(ख) विकास बैंक द्वारा जारी किये गये बांडों/हिवेचरों में निवेश अन्य आस्तियां	43,15,74,000
	1010,85,54,000		1010,85,54,000

* नकदी, ग्रावधिक जमा और अल्पकालीन प्रतिभूतियां शामिल हैं।

* राष्ट्रीय कृषि कृष्ण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय औद्योगिक कृष्ण (दीर्घकालीन क्रियाएं) निधि में निवेश शामिल नहीं है।

@ राष्ट्रीय कृषि कृष्ण (दीर्घकालीन क्रियाएं) निधि से प्रदत्त कृष्ण और अग्रिम शामिल नहीं हैं, तरन्तु राज्य सरकारों के अस्थायी श्रोवरझाफ्ट शामिल हैं।

† रिजर्व बैंक आफ इंडिया अधिनियम की धारा 17 (4) (ग) के अधीन अनुसूचित वाणिज्य बैंकों को भीयादी विलों पर अग्रिम दिये गये 71,36,65,000
रुपये शामिल हैं।

** राष्ट्रीय कृषि कृष्ण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय कृषि कृष्ण (स्थिरीकरण) निधि से प्रदत्त कृष्ण और अग्रिम शामिल नहीं हैं
तारीख 4 मार्च, 1970।

रिजर्व बैंक ऑफ इंडिया अधिनियम, 1934 के अनुसरण में फरवरी, 1970 की 27 तारीख को समाप्त हुए सप्ताह के लिये लेखा
इशू विभाग

देवताएं	रुपये	रुपये	आस्ति यां	रुपये	रुपये
वर्किंग विभाग में रखे हुए			सोने का सिक्का और बुलियन		
नोट	19,38,84,000		(क) भारत में रखा हुआ	182,53,11,000	
संचलन में नोट	1755,55,28,000		(ख) भारत के बाहर रखा हुआ		
जारी किए गए कुल नोट	3774,94,12,000		विदेशी प्रतिभूतियां	306,42,00,000	
			जोड़		488,95,11,000
			रुपये का सिक्का		68,63,33,000
			भारत सरकार की रुपया प्रतिभूतियां		3217,35,68,000
			देशी विनियम बिल और द्वितीय वाणिज्य पत्र		
कुल देवताएं	3774,94,12,000		कुल आस्तियां		3774,94,12,000
तारीख 4 मार्च, 1970					(ह०) लक्ष्मी कान्त शा, गवर्नर ।
					सं० एफ० 3 (3)-बी० सी०/70] के० येसुर्त्नम, अनु-सचिव ।

(Department of Banking)

(Corporations Branch)

New Delhi, the 18th February 1970

S.O. 1045. In pursuance of clause (b) of sub-section (i) of section 10 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government hereby nominates Shri T. Swaminathan, Secretary to the Government of India, Department of Industrial Development, Ministry of Industrial Development, Internal Trade & Company Affairs, as a Director of the Industrial Finance Corporation of India vice Shri N. N. Wanchoo.

[No. F.2(4)-Corp/70.]

D. K. SEN, Under Secy.

(बैंकिंग विभाग)

(निगम शाखा)

नई दिल्ली, 18 फरवरी, 1970

का० आ० 1045.—श्रीद्योगिक वित्त निगम अधिनियम 1948 (1948 के 15वें) की धारा 10 की उपधारा (i) के खण्ड (ख) का अनुसरण करते हुए केन्द्रीय सरकार एतद्वारा श्रीद्योगिक विकास आन्तरिक व्यापार और समवाय मंत्रालय के श्रीद्योगिक विकास विभाग के भारत सरकार के सचिव श्री टी० स्वामिनाथन को श्री एन० एन० बान्चु के स्थान पर भारतीय श्रीद्योगिक वित्त निगम का निदेश नामित करती है।

[संख्या एफ० 2(4)-कारपोरेशन/70]

डी० के० सेन अनु-सचिव।

(Department of Revenue and Insurance)

New Delhi, the 7th March 1970

S.O. 1046.—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956) the Central Government hereby appoints Shri T. A. Pai as a Member, and Chairman of the Life Insurance Corporation of India with effect from the forenoon of the 2nd March, 1970, vice Shri M. R.

[No. F. 1(2)-Ins. II/70.]

R. K. MAHAJAN, Dy. Secy.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 2nd March 1970

S.O. 1047.—In exercise of the powers conferred by Sub-Section (1) of Section 121 of the Income-Tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby directs that in its Notification No. 52 (F. No. 55/1/62-IT) dated 19th August, 1963, published as S.O. 2368 on pages 2740-42 of part-II of Section 3(ii) of the Gazette of India dated 24th August, 1963:—

Against Serial No. 16, West Bengal-I, under column 3 of the Schedule appended thereto, the following shall be added:—

“21. Project Circle: North Bengal”

(NOTE.—It appears Project Circle, North Bengal, which came in existence in July, 1966, was not shown in Board's Notification u/s. 121. Hence the said omission is being made good in this notification.)

[No. 25/F. No. 55/423/69-IT(AI).]

L. N. GUPTA, Under Secy.

CENTRAL EXCISE COLLECTORATE, BOMBAY

CENTRAL EXCISES

Bombay, the 19th February 1970

S.O. 1048—In exercise of the powers conferred on me under Rule 5 of the Central Excise Rules, 1944, I empower Shri M. A. B. Harris, Asstt. Collector of Central Excise on Special Duty, Bombay to exercise the powers of the Collector under the rules mentioned in column No. 2 of the subjoined table in respect of all excisable goods (other than Salt, Vegetable non-essential oils and tea all varieties except package tea made from durovoid loose tea) exported through the port of Bombay, subject to the limitations set out in column No. 3 thereof.

Sl. No.	Central Excise Rules Nos.	Limitations if any
1	2	3
1	13	
2	14	In respect of Rules 13 and 14 the powers of prescribing the sufficiency of surety and security and the amount and conditions of the bond and demanding fresh bond and additional security are reserved with the Collector.
	14A	In respect of Rule 14A the powers to issue demands for payment of duty and to impose penalty upto Rs. 250/- shall be exercised. To impose penalty upto Rs. 250/-.
4	14B	To impose penalty upto Rs. 250/-.

[No. CER/5/2/1970.]

A. K. ROY, Collector.

COLLECTORATE OF CENTRAL EXCISE, WEST BENGAL

CENTRAL EXCISES

Calcutta, the 22nd February 1970

S.O. 1049.—In exercise of the powers vested in me under Rule 5 of the Central Excise Rules, 1944, I empower all the officers not below the rank of Assistant Collector of Central Excise to exercise within their respective jurisdictions the power of the Collector under Rule 206(3) of the Central Excise Rules, 1944.

2. This Collectorate Notification No. 4/1963 dated 26th July, 1963, in so far as it relates to Rule 206(3) of Central Excise Rules, 1944, may be treated as modified to the above extent.

[No. 3/1970.]

D. R. KOHLI, Collector.

CENTRAL EXCISE COLLECTORATE, BARODA

CENTRAL EXCISES—OILCESS

Baroda, 23rd February 1970

S.O. 1050.—In exercise of the powers conferred upon me under Section 2(a) of the Produce Cess Act, 1956 (15 of 1956) I hereby authorise the Central Excise Officers specified in column 2 of the table below to exercise the powers of the Collector under the Produce Cess Act, 1956 in any place in Baroda subject to the limitations set out in Col. 3 of the said table.

TABLE

Section of Pro- duce cess Act	Rank of Officer	Limitation if any
1	2	3
8(1)	All officers not below the rank of Inspector of C. Ex. and Cus. in whose jurisdiction the miller/occupier falls.	Full powers
8(1)	All Officers not below the rank of Inspector of C. Ex. & Cus. in whose jurisdiction miller/occupier falls.	Full powers
9(2) and proviso under Sec. 9(2)	All Officers not below the rank of Superintendent of C. Ex. and Cus. in whose jurisdiction the miller/occupier falls.	Full powers
11(1) and 11(2)	All C. Ex. & Cus. Officers in charge of Ports and Land Custom Stations.	Full powers
12(a)(b) & (c)	All officers not below the rank of Superintendent of C. Ex. and Customs.	Full powers
13(1) and 13(2)	All Officers not below the rank of Inspector of C. Ex. & Cus.	Full Powers
18	All Officers not below the rank of Supdt. C. F. & Cus.	—

[No. 1/70]

L. M. KAUL, Collector.

OFFICE OF THE COMMISSIONER OF INCOMETAX, ORISSA

Bhubaneswar, the 26th February, 1970

S. O. 1051.—In exercise of the powers conferred by Sub-Section (1) of section 124 of the Incometax Act, 1961 (43 of 1961) and in supersession of all the previous orders on the subject, the Commissioner of Incometax, Orissa, Bhubaneswar hereby directs that the Incometax Officers mentioned in column 2 of the schedule below shall perform their functions in respect of such areas and/or such persons or classes of persons and/or such incomes or classes of incomes as are mentioned against their names in column 4 of the said schedule excluding cases allotted to any other Incometax Officer by the orders of the Commissioner of Incometax, Orissa, Bhubaneswar or by the Central Board of Direct Taxes, New Delhi under scc. 127 of the Incometax Act, 1961 or under the corresponding provisions of the Indian Incometax Act, 1922.

SCHEDULE

District or Circle	Designation of Incometax Officer	Head Quarters	Jurisdiction
1	2	3	4
Sundergarh Circle Rourkela	Incometax Officer, Ward-A, Rourkela	Rourkela	(i) All persons or classes of persons residing in and/or having their principle place of business, profession or vocation or having income from other sources within the revenue district of Sundergarh whose latest completed regular assessment as on 25-8-1968 is on a total income of Rs. 30,000/- or above except those assigned to Incometax Officer, Ward-C, Rourkela.

(1)

(2)

(3)

(4)

Sundergarh Circle, Incometax Officer, Rourkela
Rourkela Ward-B, Rourkela.

(i) All limited companies, Co-operative Societies and Association of Persons with their registered offices within the revenue district of Sundergarh.

(ii) All Directors and Managing Agents of Companies included in (i) above.

(iii) All cases of partners of firms included in (i) above.

(iv) All partners and members of the firms Cooperative Societies and Association of Persons included in (ii) and (iii) above.

(v) All persons or classes of persons residing in and/or having their principal place of business profession or vocation or having income from other sources within the revenue district of Sundergarh whose latest completed regular assessment as on 25-8-68 is on a total income of Rs. 15,000/- or above but less than Rs. 30,000/- except those assigned to the Incometax Officers Ward-A and Ward-C, Rourkela.

(vi) All cases of partners of firms included in (i) above.

(vii) All persons or classes of persons residing in and/or having their principal place of business, profession, vocation or having other sources income within the revenue district of Sundergarh who have not hitherto assessed to tax.

Sundergarh Circle, Incometax Officer, Rourkela
Rourkela Ward-C, Rourkela.

(i) All persons deriving income, chargeable under the head "Salaries" within the revenue district of Sundergarh, no portion of whose income falls to be assessed under section 28 of the I.T. Act, 1961(43 of 1961) of Sec. 10 of the Indian Incometax Act, 1922 except those assigned to the Incometax Officer, Salaries Circle, Bhubaneswar.

(ii) All persons or classes of persons residing in and/or having their principal place of business, profession or vocation or having other sources of income within the revenue district of Sundergarh whose latest completed regular assessment as on 25-8-68 is on a total income of Rs. 10,000/- or above but less than Rs. 15,000/- except those assigned to Incometax Officer, Ward-A, Rourkela.

(iii) All cases of partners of firms included in (i) above.

(1)	(2)	(3)	(4)
Sundergarh Circle, Rourkela.	Income-tax Officer, Ward-D, Rourkela		<p>(i) All persons or classes of persons residing in and/or having their principal place of business, profession or vocation or having other sources of income within the revenue district of Sundergarh whose latest completed regular assessment as on 25-8-1968 is on a total income less than Rs. 10,000/- except those assigned to Income-tax Officers, Ward-A and Ward-C, Rourkela.</p> <p>(ii) All cases of partners of firms included in (I) above.</p>

Provided that:—

(a) If a person is a partner in more than one firm falling under jurisdiction of different Income-tax Officers, Income-tax Officer whose designation appears first in the above table will have jurisdiction over his case.

This order shall come into force on 1-3-1970.

[No. Adm. I.T. XIII-9/69]

K. JAGANNATHAN,
Commissioner of Income-tax.

MINISTRY OF FOREIGN TRADE

(Office of the Jt. Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDER

New Delhi, the 17th January 1970

S.O. 1052.—Licence No. P/D/8538128 dated 24th April 1969 for Rs. 97,300/- for the import of Prime B.P./C.R.C.A. Steel Sheets thinner than 0.6mm. by the Asstt. Iron and Steel Controller, Faridabad was issued to M/s. Superior Tin Works, Phal Wala Bazar, Lashkar (Gwalior) M. P.

2. Thereafter, a show cause notice No. S-40/I & SC/69-70/ENF/CLA/9344 dated 24th October, 1969 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that they had obtained the aforesaid licence on misrepresentation of the facts and fraud in terms of Clause 9, sub-clause (a) of Imports (Control) Order, 1955, as amended.

3. The aforesaid notice has been received back undelivered with the remarks of the Postal authorities "Not known returned".

4. The undersigned has carefully examined the case and come to the conclusion that they obtained the said licence on misrepresentation of the facts and fraud

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-clause (a) of the Imports (Control) Order, 1955, as amended hereby cancel the licence No. P/D/8538128/C dated 24th April, 1969 for Rs. 97,300/- issued in favour of M/s. Superior Tin Works, Phal Wala Bazar, Lashkar (Gwalior) M. P.

[No. S-40/I & SC/69-70/ENF/CLA/10288.]

RAM MURTI SHARMA.
Joint Chief Controller of Imports and Exports.

(Office of the Jt. Chief Controller of Imports and Exports)
(Iron and Steel Division)

ORDER

Calcutta, the 27th January 1970

S.O. 1053.—M/s. Krishna Steel Industries Private Limited, Vaswani Mansions, Dinshaw Vachha Road, Bombay-1 were granted an export licence No. I & E/III/EXP/320/69-70 dated 25th June, 1969 for export of 890 M/T of M. S. Round Bars of 6 mm. to 10 mm. size in Commercial Quality to Dammam from the port of Bombay. Now the said M/s. Krishna Steel Industries Private Limited, Bombay have applied for a duplicate copy of the above Export Licence on the ground that the original export licence has been lost/misplaced. It has further been stated that the export licence in question has been utilised to the extent of a total quantity of 532.720 M/T leaving a balance of 157.280 M/T.

In support of their contention the applicant have filed an affidavit dated 8th January, 1970. I am satisfied that the original export licence No. I & E/III/EXP/320/69-70 dated 25th June, 1969 has been lost/misplaced and direct that a duplicate copy thereof should be issued to the applicant to cover the unutilised balance quantity of 157.280 M/T. The original export licence in question is, therefore, cancelled to the extent of partly utilised quantity of 532.720 M/T.

[No. I & E/III/E/12/69-70/74/Krishna/Steel.]

J. MUKERJI,
Dy. Chief Controller of Imports and Exports.

(Office of the Jt. Chief Controller of Imports and Exports)
(Central Licensing Area)

ORDERS

New Delhi, the 24th February 1970

S.O. 1054.—M/s. Laul and Company, D-75, Kirti Nagar, New Delhi-15, were granted an Established Importers licence No. P/E/0169816 dated 29th May, 1969 for Rs. 1,000/- for import of Scientific and Medical including Surgical Instruments, Equipments and appliances and parts thereof. They have applied for the duplicate customs purpose and/Exchange Control Copy of the said licence on the ground that the original has been lost or misplaced. It is, further stated by the firm that the original Custom Purpose Copy of the licence was not registered with Custom House and hence has not been utilised.

In support of this declaration, the applicant has filed an affidavit duly attested stating that the original Customs Purpose and/Exchange Control Copy of the licence has been lost or misplaced.

I am satisfied that the original Custom Purpose and/Exchange Control Copy of the said licence has been lost and direct that a duplicate Custom Purpose Copy and Exchange Control Copy should be issued to the applicant. The original Custom Purpose and/Exchange Control Copy of the licence is cancelled.

[No. F. 93-94-V/28/AM. 70/QL. CLA.]

S.O. 1055.—M/s. Laul and Company, D-75, Kirti Nagar, New Delhi-15, were granted an Established Importers licence No. P/E/0043274 dated 4th January, 1969 for Rs. 1,000/- for import of Scientific and Medical including Surgical Instruments Equipment and Appliances and parts thereof. They have applied for the duplicate Customs Purposes and/Exchange Control Copy of the said licence on the ground that the original has been lost or misplaced. It is, further stated by the firm that the original Custom Purpose Copy of the licence was not registered with Custom House and hence has not been utilised.

In support of this declaration, the applicant has filed an affidavit duly attested stating that the original Customs Purpose and/Exchange Control Copy of the licence has been lost or misplaced.

I am satisfied that the original Custom Purpose and/Exchange Control Copy of the said licence has been lost and direct that duplicate Custom Purpose Copy and Exchange Control Copy should be issued to the applicant. The original Custom Purpose and/Exchange Control Copy of the licence is cancelled.

[No. F. 93.94-V/110/AM.69/QL.CLA.]

New Delhi, the 6th March 1970

S.O. 1056.—M/s. The Variety Book Depot, 87, Irwin Road, New Delhi were granted an established importers licence No. P/E/0170859 dated 9th July, 1969 for Rs. 80,000 for import of books and periodicals. They have applied for the duplicate Exchange Control Copy of the said licence on the ground that the original has been lost or misplaced. It is, further stated by the firm that the original Custom Purpose Copy of the licence has been registered with Custom House Foreign Post, New Delhi, and hence has been utilised amounting to Rs. 14985-07.

In support of this declaration, the applicant has filed an affidavit duly attested stating that the original Exchange Control Copy of the licence has been lost or misplaced.

I am satisfied that the original Exchange Control Copy of the said licence has been lost and direct that duplicate Exchange Control Copy for the balance amount for Rs. 66014-93 should be issued to the applicant. The Exchange Control Copy of the licence is cancelled.

[No. F. Books/51/AM.70/QL.CLA.]

SARDUL SINGH, Dy. Chief Controller.

(Office of the Jt. Chief Controller of Imports and Exports)

ORDER

Calcutta, the 25th February 1970

SUBJECT.—Order cancelling the Exchange Control Purposes copies of Licence No. 1. P/E/0167530/C, dated 23rd November, 1968 and 2. P/E/0166789/C dated 5th August, 1968 in connection with the issue of duplicate copies of the same.

S.O. 1057.—M/s. The Camera Exchange, 17/2A, Jawaharlal Nehru Road, Calcutta-13, were granted import licence Nos. 1. P/E/0167530/C dated 23rd November, 1968 for Rs. 1,000/- only (Rupees one thousand only) and 2. P/E/0166789/C dated 5th August, 1968 for Rs. 1,239/- only (Rupees one thousand two hundred and thirty nine only) and the total amount for which the original copies were utilised are 1. Rs. 480/- (Rupees four hundred eighty only) and 2. Rs. 597/- (Rupees five hundred ninety seven only).

They have now applied for issue of two duplicate copies of Exchange Control Purposes copies of the said licences on the ground that the original Exchange Control Copies of both the licences have been lost. It is further stated that the original licences were registered with Custom House, and partly utilised.

In support of this contention, the applicant has filed an affidavit to the effect that both the original Exchange Control Copies of the licences have been lost. I am satisfied that original Exchange Control Copies of Licence Nos. 1. P/E/0167530/C and 2. P/E/0166789/C dated 23rd November, 1968 and 5th August, 1968 respectively, have been lost and directed that duplicate of Exchange Control Purposes copies of the licences in question should be issued to the applicant. The original Exchange Control Copies of those licences are cancelled.

[No. 303-IV/13/A/M/69/EI-II.]

M. S. PURI,

Dy. Chief Controller of Imports and Exports,
for Jt. Chief Controller of Imports and Exports.

**MINISTRY OF HEALTH AND FAMILY PLANNING AND WORKS,
HOUSING AND URBAN DEVELOPMENT**

(Department of Works, Housing and Urban Development)

New Delhi, the 4th March 1970

S.O. 1058.—In exercise of the powers conferred by sub-section (2) of section 36 of the Slum Areas (Improvement and Clearance) Act, 1956 (96 of 1956) and in supersession of the notification of the Government of India in the late Ministry of Works, Housing and Urban Development No. S.O. 3183 dated the 10th October, 1966, the Central Government hereby directs that the powers exercisable by the Administrator, Union territory of Delhi, under sub-section (7) of section 10, section 15, section 20, and section 30 of the said Act shall be exercised also by the Financial Commissioner, Delhi Administration.

[No. 11/6/66-HI-UD.]

G. L. GUPTA, Under Secy.

MINISTRY OF PETROLEUM AND CHEMICALS AND MINES AND METALS

(Department of Mines and Metals)

New Delhi, the 24th February 1970

S.O. 1059.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Chemicals and Mines and Metals (Department of Mines and Metals) No. S.O. 4220, dated the 6th October, 1969, under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in 75.00 acres (approximately) or 30.38 hectares (approximately) of land in the locality specified in the schedule appended to that notification;

And whereas the Central Government is satisfied that coal is obtainable in 64.50 acres (approximately) or 26.12 hectares (approximately) out of the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gives notice of its intention to acquire the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the said lands measuring 64.50 acres (approximately) or 26.12 hectares (approximately) described in the schedule appended hereto.

NOTE 1.—The plan of the areas covered by this notification may be inspected in the Office of the Deputy Commissioner, Hazaribagh (Bihar) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the Office of the National Coal Development Corporation Limited (Revenue Section), Darbhanga House, Ranchi (Bihar).

NOTE 2.—Attention is hereby invited to the provision in section 8 of the Coal Bearing Areas (Acquisition and Development) Act, 1957, which provides as follows:—

“8(1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation.—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, submit the case for the decision of the Central Government together with the record of the proceedings held by him and a report containing his recommendations on the objections.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.”

NOTE 3.—The Coal Controller, 1, Council House Street, Calcutta-I, has been appointed by the Central Government as the competent authority under the Act.

SCHEDULE F

Saram Block 'B'

(Sawang Colliery East Extension)

(East Bokaro Coalfield)

Drg. No. Rev/17/69

Dated 27th November, 1969

(Showing lands where rights to mine, quarry, bore, dig and search for win, work and carry away minerals are to be acquired).

‘Mining Rights’

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Hazari	Gumia	112	Hazaribagh	Part	
Total area : 64.50 acres (approximately)						
or : 26.12 Hectares (approximately)						

Plot numbers to be acquired in Village Hazari :

725(P), 726, 728(P), 827(P), 828, 836(P), 837, 838, 839, 840, 841(P), 842(P), 847(P), 848(P), 849(P), 850(P), 851(P), 852(P), 853 to 861, 862(P), 863, 865 to 874, 875(P), 876, 877, 878, 879, 880(P), 881(P), 885(P), 888(P), 889(P), 890(P), 891 to 899, 900(P), 901, 902(P), 903(P), 904(P), 905(P), 906, 907(P), 908 to 912, 913(P), 914(P), 1349(P), 1350(P), 1351(P), 1353(P), 1385(P), 1386, 1387(P), 1388(P), 1389, 1390(P), 1391(P), 1392(P), 1405(P), 1452(P), 1453(P), 1455(P), 1456(P), 1457, 1458(P), 1459, 1460, 1461(P), 1462 to 1466, 1468(P), 1482(P), 1483(P), 1484(P), 1485(P), 1486(P), 1487(P), 1488(P), 1519(P), 1520, 1521, 1522, 1523(P), 1524, 1527(P), 1528(P), 1529, 1530, 1531(P), 1534(P), 1535(P), 1536 to 1546, 1547(P), 1548, 1549, 1550(P), 1551(P).

Bombay Description

A—B Line passes through plot numbers 862, 827, 836, 842, 841, 845, 848, 850, 847, 851, 852, 728, 725, 875, 1547, 1550, 1551, 1519, 1523, 157, 1528, 1488, 1487, 1486, 1461, 1452, 1458, 1456, 1453, 1455, 1387, 1388 & 1405 in village Hazari (i.e. along the part eastern boundary of Sawang Colliery) and meets at point 'B'.

B—C Line passes through plot numbers 1405, 1392, 1390, 1391 and 1385 in village Hazari (i.e. along the part common boundary of Bokaro Block-II acquired under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 vide S. O. No. 4219, dated the 18th October, 1969) and meets at point 'C'.

C—D Line passes through plot numbers 1385, 1353, 1351, 1350, 1468, 1349, 1485, 1484, 1482, 1528, 1531, 1534, 1535, 913, 914, 907, 905, 904, 903, 902, 900, 890, 888, 889, 885, 881 & 880 in village Hazari (i.e. along the part common boundary of Bokaro Block-II acquired under sub-section (1) of section 9 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 vide S.O. No. 4219, dated the 18th October 1969 and meets at point 'D'.

D—A Line passes along the part southern boundary of Kunar River and meets at starting point 'A'.

[No. F.C3-1(4)/70]

K. SUBRAHMANYAN, Under Secy.

(Department of Petroleum)

New Delhi, the 9th March 1970

S.O. 1060.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Petroleum from the *drill sites SBB to Sobhasan-I Well head installation*, in Gujarat State, Pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such Pipelines, it is necessary to acquire the Right of User in the land described in the schedule annexed thereto.

2. Now, therefore, in exercise of the powers conferred by Sub-Section (1) of the Section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification object to the laying of the pipelines under the land to the Competent Authority, at Western Region, Shed No. 27, Makarpura Road, Near Central Workshop, Baroda-4, in the Office of the Gujarat Pipelines (Oil and Natural Gas Commission), Baroda. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

Laying Pipe Line from D.S. No. SBB to Sobhasan-I.

State : Gujarat

District : Mehsana

Taluka : Mehsana

Name of Village	Survey No.	Hectare	Arc.	P. Arc.
IIEBUVA	160	0	14	84
	165	0	12	38
	164	0	5	62
	168	0	9	00
V.P. Road	0	0	44	
	221	0	2	50
	222	0	12	50
	223	0	00	25

[No. 11(1)/70-Lab.&Legis.]

M. V. S. PRASADA RAU, Under Secy.

MINISTRY OF IRRIGATION AND POWER

New Delhi, the 20th February 1970

S.O. 1061.—In exercise of the powers conferred by clause (a) of sub-section (2) of section 79 of the Punjab Reorganisation Act, 1966 (31 of 1966), the Central Government hereby appoints Shri G. A. Narasimba Rao, retired Chairman, Central Water and Power Commission as a whole-time Chairman of the Bhakra Management Board vice Shri N. G. K. Murti, with effect from the date Shri G. A. Narasimba Rao assumes charge as such Chairman, and makes the following amendment in the Notification of the Government of India in the Ministry of Irrigation and Power, No. S.O. 3506, dated the 1st October, 1967, as amended from time to time, namely :—

In the said Notification, for item 1 and the entry relating thereto, the following shall be substituted, namely :—

“1. Shri G. A. Narasimba Rao, Retired Chairman, Central Water and Power Commission”.

[No. F. 6/1/70-B & B.]

O. P. CHADHA, Dy. Secy.

सिवाई व विजली मंत्रालय

नई दिल्ली, 20 फरवरी, 1970

का०पा० 1061:—पंजाब पुनर्संगठन अधिनियम, 1966 (1966 का 31) की धारा 79 की उपधारा (2) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री एन० जी० के० मूर्ति के स्थान पर श्री जी० ए० नरसिंहा राव सेवा निवृत्त अध्यक्ष, केन्द्रीय जल और शक्ति आयोग को भाष्यका प्रबन्ध बोर्ड के पूर्ण-कालिक अध्यक्ष के रूप में उस तारीख से जिस तारीख को श्री जी० ए० नरसिंहा राव ऐसे अध्यक्ष के रूप में भार-साधन ग्रहण करते हैं एतद्वारा नियुक्त करती है और भारत सरकार के सिवाई और विद्युत मंत्रालय की समय-समय पर संशोधित अधिसूचना, सं०का०पा० 3506 तारीख 1 अक्टूबर, 1967 में निम्नलिखित संशोधन करती है, प्रथातः—

उक्त अधिसूचना में, भद्र 1 और उससे संबंधित प्रविष्टि के स्थान पर निम्नलिखित प्रतिस्थापित किया जाएगा, प्रथातः—

“1. श्री जी० ए० नरसिंहा राव,
सेवा निवृत्त अध्यक्ष,
केन्द्रीय जल और शक्ति आयोग।”

[सं० फा० 6/1/70-वी एण्ड वी०]

ओ० पी० वृ०, उप सचिव।

MINISTRY OF INDUSTRIAL DEVELOPMENT, INTERNAL TRADE AND COMPANY AFFAIRS

(Department of Industrial Development)

ORDER

New Delhi, the 27th February 1970

S.O. 1062.—IDRA/6/5.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951), read with Rules 2, 4 and 5 of the Development Councils (Procedural) Rules, 1952 and in continuation of the order of the Government of India in the Ministry of Industrial Development, Internal Trade and Company Affairs (Dept. of Industrial Development) No. S.O. /IDRA/6/5 dated the 31st October, 1969, the Central Government hereby make the following addition/change in the composition of the Development Council for Instruments Industry:—

1. Shri K. L. Nanjappa, Development Commissioner, Small Scale Industries, Nirman Bhavan, New Delhi—Member.
2. Shri K. J. George, Joint Secretary, Ministry of Industrial Development, Internal Trade and Company Affairs (Dept. of Industrial Development) Udyog Bhavan, New Delhi.

ment), Udyog Bhavan, New Delhi—Member vice Sh. D. R. Sundaram.

[No. LEI(A)-3(5)/66.]

C. MALLIKARJUNAN, Under Secy.

श्रीद्योगिक विकास, आन्तरिक व्यापार तथा समवाय कार्य मंत्रालय
(श्रीद्योगिक विकास विभाग)

प्रावेश

नई दिल्ली 27 फरवरी 1970

एस०प्ल० १०६२/श्राई०डी०आर०ए०/६/५:—उद्योग (विकास तथा विनियमन) अधिनियम, 1951 (1951 का 65) की धारा 6 के द्वारा प्रवत्त भक्तियों का प्रयोग करते हुए, विकास परिषदें (कार्यविधि) नियम, 1952 के नियम 2, 4 और 5 के साथ पढ़ते हुए, तथा भारत सरकार के श्रीद्योगिक विकास, आन्तरिक व्यापार तथा समवाय कार्य मंत्रालय (श्रीद्योगिक विकास विभाग) के आवेदन संबंधा एस०प्ल०/श्राई०डी०आर०ए०/६/५ दिनांक 31 अक्टूबर, 1969 को जारी रखते हुए, केन्द्रीय सरकार एतदशारा यंत्र (इंस्ट्रुमेंट्स) उद्योग की विकास परिषद की रचना में निम्नलिखित परिवर्धन परिवर्तन करती है:—

1. श्री के० एल० नंजप्पा,
विकास आयुक्त,
लघु उद्योग, निर्माण भवन,
नई दिल्ली ।

सदस्य

2. श्री के० जे० जार्ज,
संयक्त सचिव, श्रीद्योगिक विकास,
आन्तरिक व्यापार तथा समवाय कार्य
मंत्रालय (श्रीद्योगिक विकास विभाग):
उद्योग भवन, नई दिल्ली ।

श्री डी० आर० सुन्दरसू के
स्थान पर सदस्य ।

[स० एफ० एल० ई० श्राई० (ए०)-३(५)/६६]

सी० मल्लकार्जुनग, अवर सचिव ।

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 26th February 1970

S.O. 1063.—The Certification Marks Licences, details of which are mentioned in the table given below, have lapsed or their renewals deferred:

SCHEDULE

Serial No.	Licence No. and Date	Licensee's Name and Address	Article/Process and the Relevant IS: No.	S.O. Number and Date of the Gazette Notifying Grant of Licence	Remarks	
(1)	(2)	(3)	(4)	(5)	(6)	
1	CM/L-231 27-9-1960	Bharat Pulverising Mills Pvt Ltd, Chinchpokli Cross Lane, Byculla, Bombay.	BHC dusting powders— IS : 561-1962	S.O. 2498 dated 15-10-1960	Lapsed after 15-10-1969	
2	CM/L-482 3-12-1962	Kamani Metals and Alloys Ltd., Agra Road, Kurla, Bombay-70	Brass sheets (Cu Zn 37)— IS : 410-1967	S.O. 241 dated 26-1-1963	Lapsed after 31-12-1969	
3	CM/L-608 11-12-1963	Hindustan Steel Ltd., Bhilai Steel Plant, Bhilai-1 Distt. Durg (M.P.) having their Regd. Office at P.O. Hinoo, Ranchi (Bihar)	Structural steel (ordinary quality)— IS : 1977-1962	S.O. 241 dated 18-1-1964	Deferred after 31-12-1969	
4	CM/L-835 10-II-1964	The Hindustan Iron & Steel Co., 8, Rajendra Deb Road, Calcutta-7	Structural steel (standard quality)— IS : 226-1962	S.O. 79 dated 2-I-1965	Deferred after 15-I-1970	
5	CM/L-836 10-II-1964	The Hindustan Iron & Steel Co., 8 Rajendra Deb Road, Calcutta-7	Structural steel (ordinary quality)— IS : 1977-1962	S.O. 79 dated 2-I-1965	Deferred after 15-I-1970	
6	CM/L-961 28-II-1964	Kanoria Co. Ltd, Ghervail Rly. Station, P.O. Chakasi, Howrah having their Office at 18 Mullick Street, Calcutta-7	Jute hessian— IS : 2818-1964			
7	CML-962 28-II-1964	Do.	Jute sackings— IS : 1943-1964, IS : 2874-1964, IS : 3667-1966, IS : 3750-1966, IS : 3794-1966	IS 2566-1965, IS 2875-1964, IS 3668-1966, IS 3751-1966 and IS 3794-1966	S.O. 79 dated 2-I-1965	These were deferred after 30-II-1968 and have now to be treated as lapsed after that date.

8	CM/L-1106 30-6-1965	The Plant Protection Products (P) Ltd, Kodavalur (S. Rly) Nellore Distt, having their Office at 4/90-A, Newabpet, Nellore-2 (A.P.)	Dielectric emulsifiable concentrates— IS : 1054-1962	S.O. 2403 dated 31-7-1965	Deferred after 15-1-1970
9	CM/L-1187 30-12-1965	Seshasayee Wire Ropes Ltd, Edathala P.O. Alwaye (Kerala)	(i) Steel wire ropes for winding purposes in mines— IS : 1855-1961 and (ii) Steel wire rope for haulage purposes in mines— IS : 1856-1961	S.O. 410 dated 5-2-1966	Lapsed after 31-1-1970
10	CM/L-1188 30-12-1965	Do.	Steel wire ropes for general engineering purposes— IS : 2266-1963	Do.	Do.
11	CM/L-1260 20-5-1966	Hyderabad Usha Works, Balanagar Township, Hyderabad-37	Single-phase motors, universal type, with class 'A' insulation, 0.037 kW(1/20 HP) only— IS : 996-1964	S.O. 1799 dated 18-6-1966	Lapsed after 30-11-1969
12	CM/L-1295 6-7-1966	Anand Insecticides, 4/5, Elaiya Mudali St., Korukupet, Madras-21 having their Office at 17 First Street, C.I.T. Colony, Madras-4	DDT water dispersible powder concentrates—IS : 565-1961	S.O. 2600 dated 27-8-1966	Lapsed after 15-1-1970
13	CM/L-1334 23-9-1966	The Bhor Industries Ltd, Borivali (East), Bombay-66 having their Regd. Office at Sir Vithaldas Chambers, 16 Apollo Street, Fort, Bombay-1	Unsupported, flexible Vinyl film and sheathing, types 1 and 2— IS : 2076-1962	S.O. 3299 dated 5-11-1966	Deferred after 31-12-1969
14	CM/L-1370 26-12-1966	Nahan Foundry Ltd., Nahan, Distt. Sirmur (H.P.)	Horizontal centrifugal pumps for clear, cold, fresh water, radial flow, single suction, single stage, volute casing, 76mm x 64mm (5 HP), 100 mm x 100 mm (5 HP), 76mm x 64mm (3 HP) and 76mm x 76 mm (3 HP) only— IS : 1520-1960	S.O. 243 dated 21-1-1967	Deferred after 31-12-1969
15	CM/L-1579 12-12-1967	Ajeet Industrial Corporation, Naliya Pool (Rly. Colony), P.O. Dibrugarh (Assam) having their Office at Jalan Katra, P.O. Dibrugarh (Assam)	Tea-chest metal fittings— IS : 10-1964	S.O. 284 dated 20-1-1968	It was deferred after 15-12-1969 and has now to be treated as lapsed after that date.
16	CM/L-1580 12-12-1967	Mysore Iron & Steel Ltd, Bhadravati (Mysore State)	Carbon steel billets for re-rolling into structural steel (standard quality)—IS : 2830-1964	S.O. 284 dated 20-1-1968	These were deferred after 15-12-1969 and have now to be treated as lapsed after that date.
17	CM/L-1581 12-12-1967	Do.	Carbon steel billets for re-rolling into structural steel (ordinary quality)—IS : 2831-1964		

(1)	(2)	(3)	(4)	(5)	(6)
18	CM/L-1588 19-12-1967	Deora Pu Caboneon Mfg. Pvt. Ltd., 17/18, Pologround, Indore (M.P.)	All aluminium conductors and ACSR conductors—IS : 398-1961	S.O. 248 dated 20-1-1968	Lapsed after 31-12-1969
19	CM/L-1598 27-12-1967	Murarka Engg. Works, 28/37, Industrial Area, Najafgarh Road, New Delhi-15	Spring leaves and leaf springs for automobile suspension IS : 1135-1966	Do.	Deferred after 31-12-1969
20	CM/L-1621 12-1-1968	Venkateswara Agro Chemicals, 6/303, Thiruvottiyur, High Rd., Madras-21	Malathion emulsifiable concentrates— IS : 2567-1963	S.O. 684 dated 24-2-1968	Lapsed after 15-1-1970
21	CM/L-1839 22-11-1968	Agro Industrial Chemicals Co., 13A, Kalyani View, Rudrapur (Nainital)	Aldrin emulsifiable concentrates— IS : 1307-1958	S.O. 4594 dated 28-12-1968	Deferred after 30-11-1969
22	CM/L-1849 29-11-1968	Do.	DDT dusting powders— IS : 564-1961	Do.	Deferred after 15-12-1969
23	CM/L-1856 6-12-1968	The Indian Scale Industries, 2742, Timber Market, Ambala Cantt. (Haryana State)	Spring balances— IS : 1702-1967	S.O. 370 dated 12-1-1969	Deferred after 15-12-1969
24	CM/L-1890 9-1-1969	New Bishalakshmi Mechanical Works, 24/5, Brindaban Mullick Lane, Kadamtola, Howrah (W. Bengal).	Domestic gas stove for use with liquefied petroleum gases— IS : 4246-1967	S.O. 720 dated 22-2-1969	Deferred after 15-1-1970
25	CM/L-1894 15-1-1969	Jayshree Timber Products, (Prop. Jay Shree Tea & Industries Ltd.) Bakultala, Middle Andamans having their Office at "India Exchange", Calcutta-1	Tea-chest plywood panels— IS : 10-1964	Do.	Deferred after 15-1-1970
26	CM/L-1898 22-1-1969	Geo Industries Insecticides & (India) Pvt. Ltd. Valkart—Dada Street, Guntur-1.	Endrin emulsifiable concentrates— IS : 1310-1958	Do.	Lapsed after 31-1-1970
27	CM/L-1901 24-1-1969	Bharat Steel Rolling Mills, Kadugodi Village, Near Whitefield Railway Station having their Office at 42/2, Silver Jubilee Park, Bangalore-2.	Structural steel (ordinary quality)— IS : 1977-1962	Do.	Deferred after 31-1-1970
28	CM/L-1908 31-1-1969	Woodcrafts Assam (Prop: Jay Shree Tea & Industries Ltd), Post Office Marian, Distt. Sibsagar, Assam, having their Office at "India Exchange," Calcutta-1.	Tea-chest battens— IS : 10-1964	Do.	Lapsed after 31-1-1970

[No. CMD/13 : 14]
(Dr.) A. N. GHOSH,
Director General.

DEPARTMENT OF COMMUNICATIONS

(Posts and Telegraphs Board)

New Delhi, the 6th March 1970

S.O. 1064.—In pursuance of para (a) of Section III of Rules 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 29th March, 1970 as the date on which the measured rate system will be introduced in Hardwar/Jawa-
Lapur Telephone Exchanges in U. P. Circle.

[No. 5-31/70-PHB.]

D. R. BAHL,
Assistant Director General (PHB).

संचार विभाग

(डाक-सार बोर्ड)

नई दिल्ली, 6 मार्च 1970

एस० ओ० 1064.—स्थायी आदेश क्रम संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किए गये 1951 के भारतीय तार नियमों के नियम 434 के III खण्ड के पैरा (क) के अनुसार डाकन्तार महानिदेशक ने हरदार/ज्वालापुर टेलीफोन केन्द्र में 29-3-70 से प्रमापित दर प्रणाली लागू करने का निश्चय किया है।

[संया 5-31/70 पी० एच० बी०]

डी० आर० बहूल,

सहायक महानिदेशक (पी० एच० बी०)

MINISTRY OF EDUCATION AND YOUTH SERVICES

(ARCHAEOLOGY)

New Delhi, the 4th March 1970

S.O. 1065.—Whereas the Central Government is of opinion that the archaeological site and remains specified in the Schedule attached hereto is of national importance.

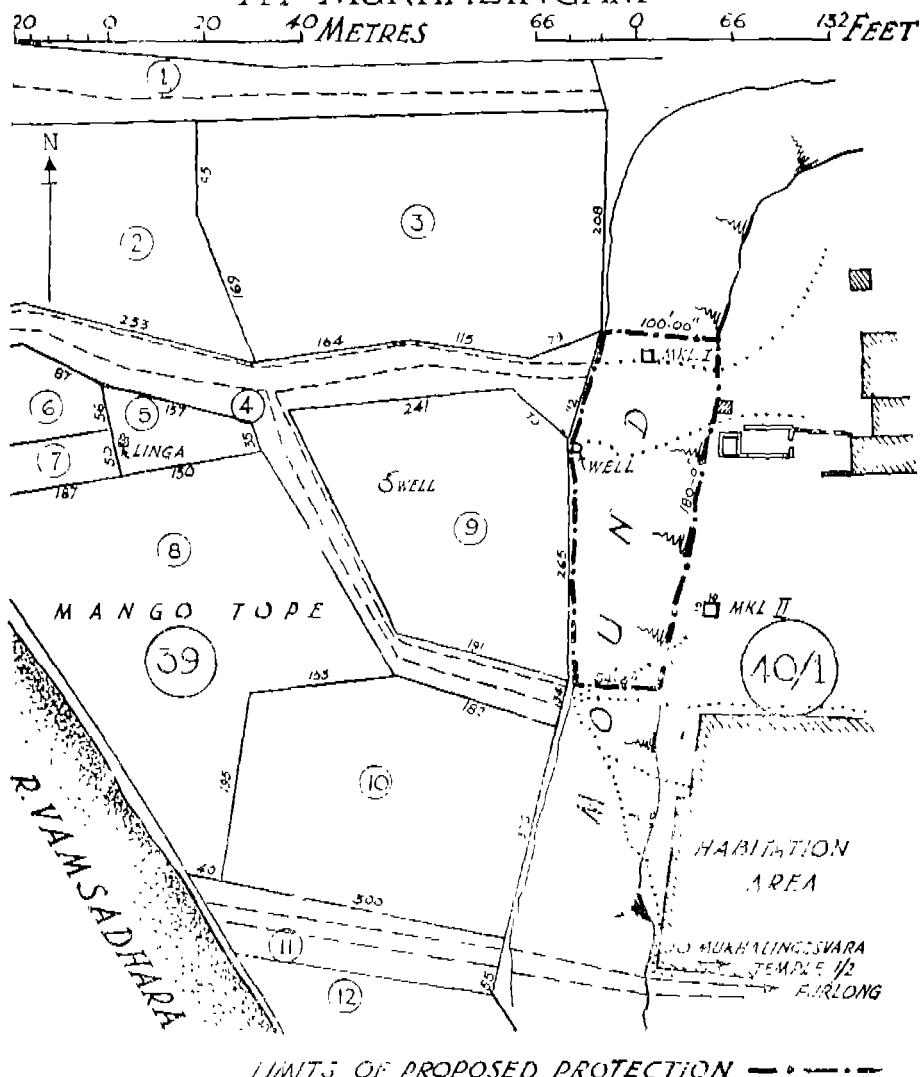
Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said archaeological site and remains to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said archaeological site and remains will be considered by the Central Government.

SCHEDULE

State	District	Tehsil	Locality	Name of site	Revenue plot numbers to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10
Andhra Pradesh	Srikakulam	Patapatnam	Mukhalingam	Ancient mound comprised in part of survey plot No. 40/1 as shown in the plan below.	Part of survey plot No. 40/1 as shown in the plan below.	38 cents.	<i>North</i> —Remaining portion of survey plot No. 40/1. <i>East</i> —Remaining portion of survey plot No. 41/1. <i>South</i> —Remaining portion of survey plot No. 40/1. <i>West</i> —Survey plot Nos. 39/9 and 39/4.	Government (Village site)	..

SITE PLAN OF ANCIENT MOUND AT MUKHALINGAM



MINISTRY OF LABOUR, EMPLOYMENT AND REHABILITATION

(Department of Labour and Employment)

New Delhi, the 4th March 1970

S.O. 1066.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to Messrs Gangadhar Narsingdas Agrawal and their workmen, which was received by the Central Government on the 28th February, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY.

REFERENCE No. CGIT-23 of 1967

PARTIES:

Employers in relation to M/s. Gangadhar Narsingdas Agrawal.

AND
their workmen.

PRESENT:

Shri A. T. Zambre,—Presiding Officer.

APPEARANCES:

For the employers.—Shri R. V. Gaitonde, Personnel Officer.

For the workmen.—Shri Mohan Nair, General Secretary, Goa Dock Labour Union, Vasco Da Gama.

STATE: Union Territory of Goa.

INDUSTRY: Major Ports and Docks.

Bombay dated 27th January 1970

AWARD

The Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) by their Order No. 28(59)/67-LRII dated 27th July, 1967, have referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to Messrs. Gangadhar Narsingdas Agrawal, Marmagoa and their workmen in respect of the matters specified in the following schedule:—

SCHEDULE

“Whether the action of Messrs. Gangadhar Narsingdas Agrawal, Marmagoa in not implementing the Interim Relief and Dearness Allowance recommendations of the Central Wage Board for Port and Dock Workers in Major Ports in respect of their Tally Clerks is justified? If not, to what relief are they entitled?”

(2) The workmen concerned in this reference are three employees who were working with Messrs. Gangadhar Narsingdas Agrawal as tally clerks since more than six years. The employers carry on mostly the business of exporting. They are not engaged in stevedoring work, but had obtained a stevedoring licence during the years of the Portuguese regime with the intention to start stevedoring business and had engaged the three tally clerks in question. However this object of starting this stevedoring activity had not materialised and their own stevedoring work was being carried out through another stevedoring firm of Goa.

(3) The three tally clerks are the member of the Goa Dock Labour Union which has by its statement of claim contended that the recommendations of the Central Wage Board for Port and Dock workers have been accepted by Government Resolution dated 27th April, 1965, and they requested the managements concerned to implement the recommendations. However, the employers in this case have not implemented the recommendations in respect of the three tally clerks. It is alleged that the tally clerks are paid a consolidated wage. They are getting a very low amount and as they are dock workers working actually in the harbour they are entitled to get the benefits of the recommendations of the Central Wage Board and that they should be granted dearness allowance at the rate of Rs. 16:50 per month with effect from 1st October, 1964, to 28th February, 1965, and at the rate of Rs. 24:50 per month from 1st March, 1965, to 30th Nov., 1965,

and at the rate of Rs. 35.50 per month from 1st December, 1965, to 31st July, 1966, and Rs. 44.50 per month from 1st August, 1966, to 31st January, 1967, and Rs. 51.50 per month from 1st June, 1967, to 18th June, 1967, as their services were terminated with effect from 19th June, 1967. It has been further contended that the management has illegally retrenched these workers with the *mala fide* intention to deprive them of the benefits to which they were entitled under the recommendations and the Tribunal should make an award directing the management to pay the interim relief and dearness allowance.

(4) The management by their written statement have opposed the reference first on the preliminary contention that the tally clerks had worked only when there was a ship for the management. The period of their idleness was quite considerable and hence by a proper notice the tally clerks were retrenched with effect from 19th June, 1967, and as the workers were already retrenched before the date of reference they were not in their employ and they are not workmen under the Industrial Disputes Act and the reference is not maintainable. It has been further contended that the scales of pay of the tally clerks were agreed under a settlement signed in conciliation on 31st July, 1965, between the management and the representative union of the workmen namely the Marmagoa Foremen and other Allied Staff Association. The settlement was in force till 31st July, 1968, and the present reference was invalid. It was further contended that the management has no financial capacity to bear the additional burden arising out of the wage Board's recommendations and even if the workmen are held to be workmen under the Act the demand of the workers is not justified and the first important question is whether the employees involved are workmen under the Act and whether the reference is maintainable.

(5) It is not in dispute that the tally clerks were in the employ of the management Messrs. Gangadhar Narsingdas Agrawal. After the recommendations of the Central Wage Board for Port and Dock Workers, the Goa Dock Labour Union had raised a dispute about the implementation of the recommendations in respect of the tally clerks. Subsequently the management gave notice to the employees and retrenched the workmen with effect from 19th June, 1967. The order of reference is dated 27th July, 1967, and clearly on the date of the order of reference the workers were not in the employ of the management and they were retrenched.

(6) Shri Mohan Nair the General Secretary of the Goa Dock Labour Union has on behalf of the workers contended that the union had raised a dispute about the interim relief by their letter dated 7th September, 1966. The Assistant Labour Commissioner (Central) had started conciliation proceedings and had sent the failure report dated 3rd July, 1967, and as the workers were retrenched with effect from 19th June, 1967, the retrenchment took place during the pendency of the conciliation proceedings. The management had not taken the approval of the conciliation officer before retrenchment and that retrenchment cannot be recognised as binding. It has been further contended that the retrenchment was effected only with a view to deprive the workmen of the benefits of the recommendations and as the workers have been retrenched in connection with the dispute they are workmen under the Industrial Disputes Act and the reference is maintainable.

(7) However it is clear from the record that after the retrenchment notice the union had raised a dispute about the retrenchment and the matter was settled. The management has contended that they were mainly exporters and they intended to start the stevedoring work and hence they had taken the licence and their own stevedoring work was being carried out by another stevedoring firm. There was no sufficient number of ships and they had retrenched the tally clerks. The circumstance that the union had settled the dispute about the retrenchment amicably clearly shows the truthfulness of the contentions raised by the management that there were good reasons for effecting the retrenchment of the workers. In the settlement which has been produced by the management it has been stated:—

"After prolonged discussions held on 20th July, 1967, and on 25th July, 1967, between the parties the dispute has been settled on the following terms:—

Terms of the settlement

1. It is agreed that the services of 3 tally clerks in question shall stand retrenched with effect from 19th June, 1967, and they shall be paid

retrenchment compensation as per the provisions of section 25F of the Industrial Disputes Act.

2. It is agreed that the leave and weekly off days if any to the credit of the tally clerks shall be encashed.
3. It is agreed that the amount referred to under clauses 1 and 2 above shall paid on or before 1st of August, 1967."

From this it is clear that the workmen were retrenched because there was no sufficient work for them. It established the *bona fides* of Company, and the contention of the union that the retrenchment was effected with a view to deprive the workmen of the benefits of the Central Wage Board's recommendations does not stand to reason.

(8) The dispute about interim relief and dearness allowance was raised by the union by their letter dated September, 1966. It is clear from the written statement that conciliation proceedings before the A.L.C. (Central) Vas-co da Gama were started on 24th May, 1967, and the failure report of the A.L.C. (Central) was received by Government on 3rd July, 1967, and thus the conciliation proceedings which commenced on 24th May, 1967, will be deemed to be continued from that date till 3rd July, 1967, the date on which the report of the A.L.C. was received by Government. It is true that the workmen were retrenched with effect from 19th June, 1967, during the pendency of conciliation proceedings. However, I do not think that this circumstance requires the management to seek approval of the conciliation Officer before effecting the retrenchment. Section 33 of the Industrial Disputes Act requires the management to seek approval of the authority before which the proceedings are pending only in respect of dismissals and discharges by way of punishment for misconduct. *Bona fide* retrenchment for reasons other than by way of punishment does not attract the provisions of the section and it cannot be said that the workers have been retrenched illegally and the workmen for the purpose of this reference will be treated as retrenched employees and the further question is whether they are workmen under the Act.

(9) I have already mentioned that the workers had raised a dispute for the interim relief and dearness allowance recommended by the Central Wage Board and after the dispute the management had retrenched them with effect from 19th June, 1967, as their object to start stevedoring business did not materialise and there was no work, and it shall have to be held that the workers have not been retrenched as a result of the dispute but for other reasons. It is true that even retrenched workers will be covered under the definition. The definition runs.

"Workman" means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied and for the purpose of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of that dispute or whose dismissal, discharge or retrenchment has led to that dispute"

From the discussion above it will be clear that the workers in this case have not been retrenched in connection with or in consequence of the dispute about interim relief and dearness allowance nor can it be said that the retrenchment has led to the present dispute. Under the circumstances it shall have to be held that they are not workmen under the Act.

(10) Shri Mohan Nair on behalf of the workmen has further argued that the employers were willing to pay interim relief to the workmen. They had made their offer by their letter dated 9th August, 1966, and there is no question of the contention that the employees are not workmen.

(11) Shri Galtonde on behalf of the management has admitted that the management had sent a letter to the union that they were willing to pay to the tally clerks the amount of interim relief but he has contended that the union at that time claimed both interim relief and dearness allowance and hence there was no settlement. But all this took place during the discussion before the matter was taken up in conciliation and this will not bind the management in any way. It is not in dispute that the union had demanded both interim relief and dearness allowance and the management was not willing to agree to both the reliefs. The fact that the management had made an offer to concede interim relief in favour of the workmen will not bind them in any way which deciding the question

about the status of the employees. As the employees are workers retrenched under the circumstances mentioned by the definition they are not covered and it shall have to be held that the reference is not maintainable.

(12) In view of my finding it is not necessary to discuss the other issues regarding the financial capacity etc. The employees are not workmen and their demand for interim relief is not justified and they are not entitled to any relief. Hence my award accordingly.

No order as to costs.

(Sd.) A. T. ZAMBRE,

Presiding Officer.

The Central Government Industrial Tribunal,
Bombay.

[No. 28/59/67-LR. III/P & D.]

New Delhi, the 10th March 1970

S.O. 1067—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in the industrial dispute between the employers in relation to Messrs. Damodar Mangalji and Company, Private Limited and their workmen, which was received by the Central Government on the 7th March, 1970.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY.

REFERENCE NO. CGIT-31 OF 1967

PARTIES:

Employers in relation to Messrs. Damodar Mangalji & Company, Private Ltd.

AND

their workmen.

PRESENT:

Shri A. T. Zambre, Presiding Officer.

APPEARANCES:

For the employers:—No appearance.

For the workmen:—Shri Mohan Nair, General Secretary, Goa Dock Labour Union.

STATE: Union Territory of Goa.

INDUSTRY: Major Ports and Docks.

Bombay, dated 28th January 1970

AWARD

The Government of India, Ministry of Labour Employment and Rehabilitation, Department of Labour and Employment, by their Order No. 28/80/67-LRIII dated 31st October, 1967 have referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to Messrs. Damodar Mangalji and Company Private Ltd., and their workmen in respect of the matters specified in the following schedule:—

SCHEDULE

“Whether the demand of the office staff of stevedoring-cum-shipping section of Messrs. Damodar Mangalji and Company Private Ltd., Vasco-da-Gama, for payment of interim relief and dearness allowances as recommended by the Central Wage Board for Port and Dock Workers is justified? If so, to what relief are they entitled and from what date?”

2. The employers Messrs. Damodar Mangalji and Company Private Ltd., are shipping agents and also carry on the business of stevedoring and have got a shipping-cum-stevedoring section. The employees concerned in this reference are the members of the staff of the stevedoring-cum-shipping section. They are the members of the Goa Dock Labour Union which by its statement of claim contended that the Central Government by their Resolution dated 27th April, 1963 have accepted

the recommendations of the Central Wage Board for Port and Dock Workers and have requested the concerned managements to implement the recommendations. The employees of the company working in the shipping department are dock workers covered by the recommendations of the Central Wage Board and are entitled to get the benefits recommended. Some of the staff members actually work in the harbour as foremen and tally clerks and some are required to work in the office keeping accounts of export and import done by the shipping and stevedoring department and all the members of the staff of this section are entitled to get the benefits of the recommendations of the Central Wage Board.

3. The employers have by their written statement opposed the reference contending that the members of the staff of this section are not dock workers. They are also not covered by the recommendations of the Central Wage Board. It has been contended that the Marmagoa Harbour was not a major port at the time when the Wage Board was appointed and the Government had no intention of covering any categories of employees or for that matter any workers working within the Marmagoa Harbour. It has further contended that to say that the staff members working in the shipping and stevedoring companies are dock workers and covered by the recommendations of the Wage Board is entirely misconceived and untenable. It is misconstruing the recommendations and unwarrantedly enlarging the scope of the recommendations and the staff members will not be entitled to claim any benefit under the recommendations of the Central Wage Board. It has been further contended that the company of its own accord gave all the workmen very fair terms in the revision of wages and paid regular increments and the total burden accepted by the company by the introduction of the wage scales to the office staff would be approximately Rs. 20,000/-. It has been further contended that the members of the staff of the company were not performing duties which will entitle them to be called dock workers and as they are not covered by the recommendations the reference should be dismissed. In the alternative, it has been contended that if it is held that the clerical staff working in the company's office was entitled to the benefit of the recommendations they were entitled to get them prospectively only and not otherwise and the reference should be dismissed.

4. After the written statements the reference was kept for hearing a number of times. Notices were issued to the parties on 4th January, 1968, 7th March, 1968; 31st May, 1968, 18th November 1968, 26th November 1968; 12th December 1968; 23rd January 1969, 16th May 1969, 4th July 1969, 19th August 1969; 27th November 1969 and 2nd December 1969, 9th January 1970 but the hearing had to be adjourned for one reason or the other and mostly for the absence of Shri A. T. Joshi representative of the management. It was a very simple matter but the management wanted to be represented by Shri A. T. Joshi, who was a legal practitioner. They had appointed him to represent them in this case and contended that he was their Labour Adviser.

5. Shri Mohan Nair the General Secretary of the Union had raised an objection for the representation of the management by Shri A. T. Joshi contending that he was a legal practitioner. The contention of the management that he was a labour adviser was only a subterfuge for the word "Legal practitioner" and Shri Joshi had been deliberately using the position as the Labour Adviser so as to gain certain advantages in the matter of appearance before the authorities constituted under the Industrial Disputes Act, 1947 and he should not be permitted to appear. But today when the matter was kept for hearing Shri A. T. Joshi was absent. Some person on behalf of the company without any authority came with an application for adjournment and left. The application was rejected and the matter was heard *ex parte* and the question is whether the employees are entitled to get the benefit of the recommendations of the Central Wage Board for Port and Dock Workers.

6. It is not in dispute that the employers have got a shipping department and have some employees working in the stevedoring *cum* shipping section. Shri Mohan Nair the General Secretary of the Union has argued that mostly the members of the staff concerned in this reference are in the categories of foremen, tally clerks, shipping clerks, barge order clerks, cashiers, section clerks booking the employees; stevedore Labour —— drivers. Some of them work in the docks in the precincts of the harbour and some work in the staff and they are dock workers.

7. The definition of 'Dock worker' as given in the Dock Workers (Regulation of Employment) Act, 1948 is very wide. It lays down:—

"Dock worker" means a person employed or to be employed in, or in the vicinity of, any port on work in connection with the loading, unloading, movement or storage of cargoes, or work in connection with the preparation of ships or other vessels for the receipt or discharge of cargoes leaving port;"

The wording 'employed on work in connection with the loading, unloading, movement or storage or cargoes' in my opinion will cover all the employees working in the shipping-cum-stevedoring section of the Company. It is clear from the written statement of the employers also that some members of the staff are listed to work in the harbour. They may be foremen or tally clerks and it is clear from the recommendations of the Wage Board Item No. 1B(5) that even though the specific categories of workers are not included in the Marmagao Dock Workers Scheme still all those employees who are doing similar work as is done by the employees covered under the schedule of the Dock Workers' Scheme relating to other major ports will be entitled to get the benefits of the recommendations.

8. It is true that all employees may not be working at a time in the harbour and all may not be listed for such work on a particular day and those who are not listed may be doing clerical work. But it can not be ignored that the clerical work also refers to the cargo that is to be loaded or unloaded and it can be said that they are employed on work in connection with loading, unloading movement and storage of cargoes and all the members of the staff of the section will be covered by the provision.

9. Moreover in para 13 of the written statement the employers have stated:—

"the office staff in question are not doing exclusively duties which can entitle them to be called Port and Dock workers."

This shows that all the members of the staff of the shipping and stevedoring section have to do all the duties for which they will be listed. It may be in the harbour or port or dock or in the office. Those who work in the office have to do the clerical work of maintaining the statistics of export of ore tonnage loaded into ships, levy and wages, payable by the stevedores to the Dock Labour Board. Under these circumstances all of them will be dock workers and entitled to get the benefit of the recommendations. Excluding some employees working in the same section will be unjust and may give rise to discontent and unrest and in my opinion the demand of all the employees working in the stevedoring-cum-shipping section of M/s. Damodar Mangalji & Co. Pvt. Ltd., Vasco da Gama for payment of interim relief and dearness allowance as recommended by the Central Wage Board for Port and Dock Workers is justified and they are entitled to get the benefits.

10. Shri Nair has argued that the employees are entitled to get the interim relief and dearness allowance from the dates as recommended by the Board. However, the union has not shown any special circumstances and in my opinion the employees will be entitled to get all the benefits from the date of the reference order i.e. 31st October, 1967.

The management to pay costs of Rs. 200/- to union. Hence my award accordingly.

(Sd.) A. T. ZAMBRE,

Presiding Officer,

[No. 28/80/67-LRIII/P&D.]

New Delhi, the 11th March 1970

S.O. 1068.—In exercise of the powers conferred by sub-section (3) of section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), the Central Government hereby appoints Shri H. O. Vora as a member of the Kandla Dock Labour Board vice Shri R. N. Rao, resigned, and makes the following amendment in the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3805, dated the 26th October, 1968, namely:

In the said notification, under the heading "Members representing the Employers of Dock Workers and Shipping Companies", in item (3), for the entry "Shri R. N. Rao", the entry Shri H. O. Vora", shall be substituted.

[No. 58(11)/69-Fac.II.]

ORDER

New Delhi, the 11th March 1970

S.O. 1069.—Whereas the Central Government is of opinion that an industrial dispute between the employers in relation to the Kandla Stevedores Association,

Kandla and their workmen in resect of the matters specified in the Schedule hereto annexed;

And, wherasc. the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal No. 2, Bombay, constituted under section 7A of the said Act.

SCHEDULE

“Whether the payment of arrears of D.A. arising out of increases granted in terms of recommendations of Central Wage Board for Port and Dock Workers to the Stevedoring workers employed by Kandla Stevedores Association Ltd. on the ships other than that of Food Department Vessels and Food Departments general Cargo-ships with effect from 13th September, 1967 to 24th November, 1969 is due to them? If not to what relief and with what effect it is due to the concerned workmen?”

[No. 78/1/70FAC.II(PD).]

C. RAMDAS, Dy. Secy.

(Department of Labour and Employment)

New Delhi, the 5th March 1970

S.O. 1070.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Madras, in the industrial dispute between the employers in relation to the Vulcan Insurance Company Limited and their workmen, which was received by the Central Government on the 25th February, 1970.

BEFORE THE INDUSTRIAL TRIBUNAL, MADRAS.

Monday, the 2nd day of February 1970

PRESENT:

Thiru S. Swamikkannu, B.Sc., M.L., Industrial Tribunal, Madras.

INDUSTRIAL DISPUTE No. 39 or 1969

(In the matter of the dispute for adjudication U/s. 10(1)(d) of the I.D. Act 1947 between the workmen and the management of Vulcan Insurance Co., Ltd., Coimbatore).

BETWEEN

Thiru Thiruvenkataswamy, No. 28, S. K. Colony, Central Post, Coimbatore-1.

AND

The Divisional Manager, Vulcan Insurance Co., Ltd., 17/347, Oppankara Street, Coimbatore-1.

REFERENCE:

Order F. No. 25/16/69-LR III (LRI) dated 18th August, 1969, of the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) Government of India, New Delhi.

This dispute coming on this day for final disposal upon perusing the reference, claim statement and all other material papers on record and the parties having filed a joint memorandum of settlement and recording the same, this Tribunal made the following.

AWARD

This is a reference from the Department of Labour and Employment, Ministry of Labour, Employment and Rehabilitation of the Government of India, New Delhi, by its order dated 18th August, 1969, referring a dispute existing between

the employers in relation to the Vulcan Insurance Company Limited and their workmen in respect of the matter specified in the schedule thereto annexed, namely,

"Whether the management of the Vulcan Insurance Company Limited was justified in terminating the services of Shri R. Thiruvenkataswamy, a workman of the Coimbatore Branch with effect from the 18th December, 1968. If not, to what relief is the workman entitled?"

2. The claim statement was filed by the workman—claimant Thiru R. Thiruvenkataswamy, 28, S. K. Colony, Central Post, Coimbatore-18 on 25th September, 1969. It is *inter alia* stated in the claim statement of the claimant that he was working as an Assistant in the Coimbatore Divisional Office of the above Company at Coimbatore ever since 10th March, 1965, that he has been keeping up a clean record of service, that he and other employees of the management-company herein were not unionised and they were not able to have their grievances solved in a proper manner, that the employees therefore decided to organise the Coimbatore Unit of the parent union namely Vulcan Insurance Co., Ltd., Staff Union which has its Head Office at Bombay. The petitioner (claimant herein) took the initiative and efforts to organise the Unit. When the Unit was organised in 1967 the petitioner was elected as the leader of the Coimbatore Unit. He was controlling the affairs of the Coimbatore Unit. After the formation of the Coimbatore Unit all the employees joined together and took part in the general agitation organised by the Union Head Office for enhancement of dearness allowance and for improvement of other service conditions. The petitioner was leading the employees at Coimbatore. These acts were not liked by the management in general and particularly by the management herein and very especially by the Divisional Manager at Calmbatore. While so, the management therein with the view to precipitate matters, arbitrarily and unilaterally introduced a system requiring to sign the attendance register noting the time of arrival which was and is not in vogue in any other branch or in the Head Office. This was not in practice previously even in Coimbatore. All matters are instructed by the Head Office and the Divisional Manager has no independent authority to introduce new rules of work. The Union Head Office had also taken up this matter subsequently with the head office at Bombay. The petitioner as well as others were awaiting for the advice from the Head Office of the Union as well as the Head Office of the Company and this was also informed to the Divisional Manager herein. As he has already made up his mind to do every harm to the petitioner, he gave a show cause notice that the petitioner was negligent, careless and has disobeyed lawful and reasonable orders. He has no independent powers of appointment or to take disciplinary action. The entire proceedings including discharge are therefore void. The petitioner submitted a reply and also addressed the Head Office of the company requesting to drop the enquiry failing which that the enquiry may be held by the Head Office authorities. This was also informed to the Divisional Manager with a request not to rush up with the matter. The Divisional Manager proceeded with the enquiry which was conducted by one Thiru K. S. Venkatesa M^{orth}ry, an advocate engaged by him for this purpose. The Head Office reply was received by the petitioner and before that the enquiry was over. The petitioner requested for an opportunity but it was refused. Thereafter the petitioner received a letter dated 14th December, 1968, discharging him from the service with immediate effect. The petitioner was suspended with effect from 4th November, 1968, the day on which the show cause notice was given. The discharge order was served on the petitioner on 17th December, 1968. The petitioner was not paid full salary for the period of suspension. The non-employment of the petitioner is not justified for the following amongst other reasons:

(i) The termination of the petitioner in one of the victimisation and unfair labour practices as restarted a Union at Coimbatore and carried on the agitation for the general improvement of service conditions of the employees.

(ii) There is no bona fide on the part of the management. The allegations that the commissions and omissions in the registers were neither willful nor deliberate. They were all clerical. They were all exaggerated by the management in order to terminate the services of the petitioner. All employees have been committing these clerical mistakes but this petitioner was alone chosen for punishment because he was responsible for unionisation. There was no less or wrong accounting what-so-ever.

(iii) The charges are flimsy. The so called omissions, commissions delay etc., are the responsibility of the entire establishment and not the petitioner alone. These are not misconducts committed by the petitioner.

(iv) The haste in which the Divisional Manager herein proceeded with the enquiry before the reply from the Head Office came would clearly show that he was motivated.

(v) The Divisional Manager was no independent authority to take disciplinary action against the petitioner as he is not the appointing authority.

(vi) The findings of the enquiry officers are only in tune with the pre-decision of the Divisional Manager. There was no surprise he has given such findings as he was employed for that purpose.

(vii) The past history of the petitioner is clear. He has not committed any misconduct previously.

(viii) The allegations are against the provisions of the standing orders. The instructions of the Divisional Manager to sign the attendance register noting the time is neither lawful nor reasonable. It was arbitrary and motivated. The allegation that the petitioner did not leave the key of the drawers are not true.

(ix) The management in passing the order of punishment did not take into account the gravity, past record and the extenuating circumstances. This is again an instance of mala fides on the part of the management.

(x) In any event the quantum of punishment by way of termination is out of all proportion and shockingly severe and as such it is a case of victimisation.

(xi) The so called enquiry is neither fair or proper. The enquiry officer was not an independent person. The enquiry officer was biased in favour of the management. He was employed to give the findings as pre-decided by the Divisional Manager herein. The enquiry officer ought to have given a reasonable opportunity to the petitioner. Obviously he did not do so only to oblige the Divisional Manager herein.

(xii) The findings of the enquiry officer are baseless and perverse. There are no misconducts committed by the petitioner. The petitioner is not guilty of conduct warranting punishment by way of termination.

The petitioner prayed that this court may hold that the non-employment of this petitioner is not justified and to award reinstatement of the petitioner with back wages and with continuity of service and with costs.

3. No counter was filed on behalf of the management. On 22nd October, 1969, a petition was filed accompanied by affidavit and memo of settlement stating that the Tribunal may be pleased to pass an award in terms of the settlement entered. On 2nd February, 1970, when the case was taken up for hearing, the parties were present. The Divisional Manager of the Vulcan Insurance Company submitted that the terms of the settlement may be recorded and an award passed in terms thereof. The joint petition filed by both the parties to the dispute dated 22nd October, 1969, clearly shows that the dispute has been settled and that the terms of the settlement has been signed by the General Manager and the Divisional Manager of the Vulcan Insurance Company and by the General Secretary and the claimant Thiru R. Thiruvenkataswamy for the Union. It is requested that the terms of the settlement may be made to form part of the award. Accordingly the settlement is recorded so far as it relates to the matter under reference.

4. Acco:
The terms

List of Witnesses Examined for both sides: None.

List of Documents marked for both sides: Nil.

Terms of Settlement

1. That Shri R. Thiruvenkataswamy shall be paid by the Company Rs. 2,900 in full and final settlement of all his dues, including notice pay, leave salary, bouns, gratuity, etc. He will have no further claims against the company.

2. That Shri R. Thiruvenkataswamy shall be paid his own provident fund contribution with interest standing to his credit.

3. That in consideration of the above payments the demand for reinstatement of Shri R. Thiruvenkataswamy is not pressed.

For the Vulcan Insurance Co., Ltd.

1. Sd./-

General Manager.

2. (Sd.) K. NARAYANASWAMY,
Divisional Manager, Coimbatore.

*For the Vulcan Insurance Company
Ltd., Head Office Staff Union.*

1. Sd./-

General Secretary.

2. Sd./-R. THIRUVENKATASWAMY.

Dated: 16th October, 1969.

[No. F. 25/16/69/LRIII(LRI).]

S.O. 1071.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following Award of the National Industrial Tribunal, New Delhi in respect of a complaint under section 33A of the said Act filed by S/Shri Hoti Ram and Maiku Lal of the Life Insurance Corporation of India, Northern Zone, New Delhi, which was received by the Central Government on the 28th February, 1970

**BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL, HON'BLE SHRI D. S. DAVE,
RETIRED CHIEF JUSTICE, RAJASTHAN**

(Complaint No. Comp./NIT/3/70 under section 33A of the Industrial Disputes Act, 1947 (14 of 1947) in the matter of Reference No. NIT-2 of 1969).

BETWEEN

1. Shri Hoti Ram, son of Shri Malhan Singh, Q. No. 5/25 Rashtrapati Bhawan, New Delhi; and
2. Shri Maiku Lal, son of Shri Gaya Deen, Hut No. 11, Backside Gandhi Museum, Raj Ghat, New Delhi.

AND

The Life Insurance Corporation of India (through the Zonal Manager, Northern Zone), Lakshmi Insurance Building, Asaf Ali Road, New Delhi.

PRESENT:

Shri Madan Mohan, Advocate, for Sarvashri Hoti Ram and Maiku Lal.
Shri B. H. Bhukhanwala, Dy. Secretary and Shri A. W. Dharwadkar, Assistant Secretary, L.I.C. Central Office, Bombay for the Life Insurance Corporation of India.

AWARD

This is a complaint under section 33A of the Industrial Disputes Act, 1947 (14 of 1947), which will be referred to hereinafter as 'the Act'. It has been filed jointly by two persons Shri Hoti Ram and Shri Maiku Lal who are working as Cleaners (Khalasis) in the employ of the Life Insurance Corporation of India at Lakshmi Insurance Building, Asaf Ali Road, New Delhi.

Their complaint is, that they were allowed Janmashthmi as a paid holiday every year since the date of their employment, that in the beginning of the year 1969 also, Janmashthmi, which fell on the 4th September, 1969, was declared as

a holiday, but later on that holiday was cancelled on the ground that it was substituted by another holiday on the 5th May, 1969 due to the sad demise of Dr. Zakir Hussain, the then President of India. It is urged that the Corporation was not authorised to refuse to the complainants paid holiday on Janmashtmi for any reason whatsoever, and that the action of the Corporation in refusing the said holiday to the complainants amounted to a change in the existing conditions of service applicable to them immediately before the commencement of proceedings relating to the industrial dispute referred by the Central Government to this Tribunal in Reference No. NIT-2 of 1969. It is contended that the said change was illegal as it was effected in contravention of the provisions of section 33(1) and (2) of the Act. It is next contended that the change was further illegal as it was effected without serving upon the complainants 21 days notice as prescribed under section 9A of the Act. It is asserted that the Corporation having violated the provisions of section 9A and section 33 of the Act, the complainants are entitled to the payment of overtime allowance amounting to Rs. 16.24 each as per rules of the Corporation for working on a paid holiday. The complainants have thus claimed for both of them a total amount of Rs. 32.48 and prayed that the Tribunal may pass such further order or orders as it may deem fit and proper.

The above complaint has been strongly contested on behalf of the Corporation. It is submitted on its behalf that there was no alteration in the terms and conditions of service applicable to the complainants as alleged or otherwise. It is pointed out that in the absence of the breach of any provision of section 33, the complainants are not entitled to approach this Tribunal and invoke its jurisdiction. According to the Corporation, no dispute regarding holidays for specific dates or days, or for particular festivals or substitution of one holiday for the other, has been referred to the Tribunal for adjudication and, therefore, there is no proceeding pending before it in that behalf. It is denied that the complainants were allowed Janmashtmi as paid holiday since the date of their employment as a rule. It is pointed out, that in terms of their letters of appointment, they were entitled to 7 holidays in every calendar year and they have been allowed 7 holidays in the year 1969 as well. There has, therefore, been no alteration in the terms and conditions of employment of the complainants as alleged or otherwise. It is not denied that the Janmashtmi holiday was substituted by another holiday due to the said demise of Dr. Zakir Hussain, but this was done according to the practice which was already in existence. This substitution was done not only in respect of the employees of the complainants' category but also in respect of other employees of the Corporation who were entitled to 23½ holidays in terms of their contracts of service. Regarding the notice under section 9A of the Act, it is urged that it does not come into play because, firstly, there was no change in the terms and conditions of service requiring notice under that section, and, secondly the breach of the provisions of that section, even if there was any, could not form the subject matter of a complaint under section 23A of the Act. It is prayed that the complaint should be dismissed with costs.

It may be observed at the outset that in a complaint under section 33A the Tribunal has only to see whether the employer has contravened the provisions of section 33 during the pendency of proceedings before it and the question whether the employer had given the notice of change as required by section 9A of the Act is outside its purview. Shri Madan Mohan, learned Counsel for the petitioners, at the time of oral arguments very frankly conceded that the reference to section 9A was made in the complaint and in the course of arguments only to show the scant regard which the employer had shown to safeguard the interests of the employees and that, strictly speaking, this Tribunal is not called upon to decide that question. It is, therefore, not at all necessary for this Tribunal to enter into the question whether the employer had complied with or contravened the provisions of section 9A of the Act. The only question for determination before the Tribunal is, whether the Corporation had contravened the provisions of section 33, sub-section (1) (a) and sub-section (2) (a) of the Act. It would be proper to reproduce here the relevant portion of section 33:—

"33. (1) During the pendency of any conciliation proceedings before a conciliation officer or a Board or of any proceeding before an arbitrator or a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute, no employer shall

(a) in regard to any matter connected with the dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding;

(2) During the pendency of any such proceeding in respect of an industrial dispute, the employer may, in accordance with the standing orders applicable to a workman concerned in such dispute, or, where there are no such standing orders, in accordance with the terms of the contract, whether express or implied, between him and the workman,—

(a) alter, in regard to any matter not connected with the dispute, the conditions of service applicable to that workman immediately before the commencement of such proceeding;”

It would appear from a bare perusal of the above two sub-sections that it is a common feature of the provisions of both of them that they would apply only if there is some alteration by the employer in the conditions of service applicable to the employees immediately before the commencement of proceedings. There is, however, a distinction between the two sub-sections in other respects. Sub-section (1) is worded in prohibitive language and it lays down that during the pendency of any conciliation proceeding before a Conciliation Officer, or a Board, or of any proceeding before an arbitrator, or a Labour Court, or a Tribunal, or a National Tribunal, in respect of an industrial dispute, no employer shall alter the conditions of service applicable to the employees immediately before the commencement of such proceedings in regard to any matter connected with the dispute. Secondly, such alteration will not be made to the prejudice of the workman concerned in such dispute. Sub-section (2) contains an enabling provision and lays down that during the pendency of any such proceeding in respect of an industrial dispute, the employer may alter the conditions of service applicable to the workman immediately before the commencement of such proceeding in regard to any matter not connected with the dispute. Such alteration should, however, be made in accordance with the standing orders applicable to the workman concerned in the dispute, and if there are no such standing orders, the alteration should be in accordance with the terms of the contract whether express or implied between the employer and the employee concerned. In other words, section 33(1)(a) imposes a complete ban against alteration of the conditions of service applicable to the employees immediately before the commencement of the proceeding contemplated by the sub-section if the alteration is in regard to any matter connected with the dispute and, if such alteration is to the prejudice of the workmen concerned in such dispute. Thus, section 33 makes a distinction between matters connected with the industrial dispute and those unconnected with it and sub-section 33(1)(a) comes into play only if the matter is connected with the dispute. Sub-section (2)(a) contemplates alteration in the conditions of service applicable to a workman immediately before the commencement of the proceeding in regard to matters not connected with the industrial dispute concerned.

The learned Counsel for the complainants has urged that item No. 6 of Reference No. NIT-2 of 1969 relates to holidays, that the alteration made by the opposite party was thus in regard to a matter connected with the dispute and so, the opposite party was, by virtue of the provisions of section 33(1) (a), completely debarred from depriving the complainants of the holiday for the festival of Janmashtmi. In the alternative, it is urged that even if it be held by the Tribunal that the alteration was not with regard to any matter connected with the dispute, it must be held that the opposite party had committed breach of sub-section (2) (a) because the alteration was not in accordance with the standing orders or the contract of service. In reply, it is contended on behalf of the opposite party that item No. 6 of the Reference related to a dispute only about the number of holidays and not about the particular dates or days or particular festivals, and therefore, the provisions of sub-section 33 (1) (a) could not be invoked by the complainants. It is further urged that there was no breach of even section 33(2) (a) because the change was effected in accordance with the express terms of contract between the employer and employees. It is pointed out that there were no standing orders with regard to holidays, that the (Staff) Regulations, 1960 were also silent about the question of holidays, but in the letters of appointment which were given to the complainants it was specifically noted that the complainants would not be entitled to all the bank holidays on which the offices of the Corporation would remain closed and that they will be notified the number of bank holidays which would be allowed to them. It is submitted that only 7 holidays in a year were allowed to the complainants from the year of their appointment to the year 1969, that even in the year 1969 the total number of 7 holidays was not curtailed, that the holiday for the Janmashtmi festival was substituted by the holiday for the 5th May 1969 because of the sad demise of Dr. Zakir Hussain and as the complainants were allowed to enjoy 7 holidays as before, their grievance was ill-founded. It is further pointed out that the substitution of one holiday for the other was done in conformity with the past practice

and that in the year 1964, when 28th May and 8th June were declared as holidays on account of the sad demise of Pandit Jawaharlal Nehru, two holidays for Dussehra and Diwali, falling respectively on the 15th October and 3rd November, were withdrawn and they were adjusted in the same manner, with the result that the total number of holidays allowed to complainants and other employees in similar situations did not exceed 7 days.

I have given due consideration to the arguments advanced from both the sides. It may be observed that the first question which calls for determination is, whether there was any alteration in the conditions of service applicable to the complainants immediately before the commencement of the proceedings before this Tribunal because the provisions of section 33, sub-section (1) (a) and (2) (a) can be invoked only in that case. It is common ground between the parties that in the circular dated the 2nd January 1969 issued by the Zonal Manager, Janmashtmi was declared as one of the 7 holidays for the year 1969 and that holiday was withdrawn on the 25th August 1969 by another circular of the Zonal Manager of that date reproduced below:—

“LIFE INSURANCE CORPORATION OF INDIA
(Northern Zonal Office)

Post Box No. 160
Laxhmi Insurance Building,
Asaf Ali Road,
New Delhi-1.

Ref: Personnel/A/(5)/25th August, 1969

To All Offices of the
Corporation in Delhi.

Re: *Holidays for the Building Maintenance Staff
and Drivers in 1969 in Delhi.*

Consequent on the declaration of the public holiday on 5th May, 1969 due to the sad demise of our President Dr. Zakir Hussain by the Central Government which has been availed of by the above staff, the Holiday declared vide our Circular Ref: Personnel/A(Leave)/dated 2nd January, 1969 for 4th September, 1969 on account of Janamashtmi, to be observed by those of the above Staff in Delhi whose Appointment Letters specifically restrict the number of holidays for them to 7 in a year, is hereby withdrawn.

Sd/

ZONAL MANAGER.”

The complainants have not produced any evidence to show if they were allowed holidays for Janamashtmi from the very beginning of their service right up to 1968 as a rule or as a condition of service. The opposite party has, on the other hand, produced before this Tribunal the letters of appointment of the complainants which contain the terms and conditions of their employment. The terms and conditions of service mentioned in the letters issued to both the complainants are identical. The appointment letter of Shri Hoti Ram is of 28th June 1963 while that of Shri Malku Lal is of 6th July 1963. Condition No. (vi) in both the letters is in the following language:—

“You will not be entitled to all the Bank Holidays on which the offices of the Corporation remain closed. However, you will be notified the number of Bank Holidays allowed to you.”

It is crystal clear from the said condition of service that when the complainants were employed, they were left in no doubt that they would not be entitled to claim all the Bank Holidays on which the offices of the Corporation would remain closed. They were informed in no uncertain terms that they would be notified the number of Bank Holidays which would be allowed to them. It is noteworthy that even the specific number of Bank Holidays did not form the term or condition of service, not to say of holidays for specific dates, days or festivals. An order dated the 31st January 1964, which was passed by the Zonal Manager in the very next year following the year in which the complainants were employed, has been produced before the Tribunal and it shows that Janmashtmi was not declared as a holiday in that year. It is, therefore, not correct on the part of the complainants to say that they were enjoying Janmashtmi as a holiday from the ‘inception of their service’. That order further shows that the total number of holidays allowed in that year was 7. It is neither asserted nor proved by the

complainants if they were allowed holidays for more than 7 days in any year commencing from the date of their recruitment in 1963 to the year 1969. It is not denied by them that the total number of 7 holidays was not curtailed even in the year 1969. So, in the absence of any evidence on record, it is not possible for this Tribunal to hold that the holiday for Janmashtmi was allowed to the complainants as a rule from the year of their employment or that they had enjoyed more than 7 holidays in any year in the past. It is conceded by the complainants' learned Counsel that there is no provision about holidays in the (Staff) Regulations, 1960 nor there are any standing orders regulating the number of holidays to be enjoyed by employees of the category to which the complainants belong. It cannot, therefore, be alleged that the opposite party has violated any such provision.

It is contended by Shri Madan Mohan that the Life Insurance Corporation (Alteration of Remuneration and other Terms and Conditions of Service of Employees) Order, 1957, which is popularly known as the "Standardization Order (and which will be referred to hereinafter by that name for the sake of brevity), allowed 22 full holidays and three half holidays to the employees of the Corporation. It would suffice to observe that the provisions of this Standardization Order are of no avail to the complainants. This Order was passed by the Central Government for the purpose of securing uniformity in the scale of remuneration and other terms and conditions of service applicable to employees of insurers whose controlled business was transferred to the Life Insurance Corporation. Section 2 of the Order which relates to application, itself makes it clear that its provisions applied only to those persons who became employees of the Life Insurance Corporation of India under section 11 of the Life Insurance Corporation Act, 1956 and who were in supervisory, clerical and subordinate staff grades of the insurers on the 31st August 1956. In other words, it was applicable only to those persons who were employees of insurers before the nationalisation of the life insurance business and who were covered by section 11 of the Life Insurance Corporation Act. The complainants, who were offered employment for the first time in the year 1963, could not, therefore, invoke the provisions of the Standardization Order in their favour.

It was contended on behalf of the complainants that the provisions of the Standardization Order were attracted in terms of the settlement between the Life Insurance Corporation of India and the All India Insurance Employees' Association dated the 23rd January, 1963. The same settlement was arrived at between the Life Insurance Corporation of India and the All India Life Insurance Employees' Association on the 29th January, 1963. I have gone into the terms of this settlement and in my opinion the argument is not tenable. I find that the question of holidays was not covered by any particular term of the settlement. Clause XII of the settlement was in the following terms:

"Except as above, all other service conditions of Class III and Class IV employees not covered by the above terms of settlement shall be in terms of the Staff Regulations 1960 and the Life Insurance Corporation (Alteration of Remuneration and other Terms and Conditions of Service of Employees) Order, 1957 as amended up-to-date."

To my mind, this clause only meant to lay down that all other service conditions of Class III and Class IV employees which were not covered by the foregoing 11 clauses would continue to be governed by the (Staff) Regulations, 1960 and the Life Insurance Corporation (Alteration of Remuneration and other Terms and Conditions of Service of Employees) order 1957 as amended up-to-date, as before. In other words, if the Standardization order was applicable to certain employees before the settlement, they would continue to be governed by it except to the extent that their conditions of service were changed by the terms of the settlement and those who were governed by the (Staff) Regulations, 1960 would similarly continue to be governed by them except insofar as their terms and conditions stood altered by the terms of the settlement. This clause cannot be reasonably interpreted to mean that the Standardization Order would apply to persons to whom it was not applicable when it was passed.

It was next urged that Janmashtmi was one of the holidays declared under the Negotiable Instruments Act, and, therefore, it could not be curtailed by the opposite party. In this connection it would suffice to refer to the observations of their Lordships of the Supreme Court made in the case of *Pfizer (Private) Ltd., Bombay and Its Workmen*, 1963 I LLJ 543. In that case the employer was giving to its employees all the public holidays under the Negotiable Instruments Act. In the relevant year, the number of such public

holidays was 27. It was held by the Industrial Tribunal, Bombay that the number of Public Holidays thus allowed was unreasonably high and it ordered them to be reduced to 10. On an appeal by the workmen, it was observed by their Lordships of the Supreme Court as follows:—

"In dealing with the question of paid holidays it may be relevant to remember that the holidays declared under the Negotiable Instruments Act are usually applicable to government institutions only and they have certain financial and statutory implications envisaged by the Act itself. The commercial establishments and factories do not usually adopt these holidays and so, it would not be reasonable to insist that the appellant is bound to grant holidays as sanctioned by the Negotiable Instruments Act. Besides, it is now generally accepted that there are too many public holidays in our country and that when the need for industrial production is urgent and paramount, it may be advisable to reduce the number of such holidays in industrial concerns."

The same view was expressed by their Lordships in a later case between Associated Cement Staff Union and others and Associated Cement Companies and Others, 1964 I LLJ 12. In view of these observations and the further fact that the employer had already made it clear to the complainants that they would not be entitled to all the bank holidays, there is no force left in this argument of the learned Counsel.

It is, therefore, difficult to hold in favour of the complainants that by issuing the order of the 25th August, 1969 the Zonal Manager had altered the conditions of their service and committed a breach of the provisions of section 33. It may be observed, even if it be assumed for the sake of argument that there was alteration in the conditions of service, that alteration was covered by sub-section (2)(a) as it was in conformity with the contract of service between the employer and the employee.

Regarding the argument of the complainants' learned Counsel about the breach of the provisions of sub-section (1) (a), it is true that item No. 6 in Reference No. NIT-2 of 1969 relates to holidays, but in the present state of evidence on record, I am inclined to hold that said Reference is only about the number of holidays and not about the holidays relating to particular days, dates or particular festivals. The Reference has to be understood in the background of the Charter of Demands and the Statements of Claim filed by the parties before the Tribunal. The learned Counsel for the complainants has not been able to point out if any dispute was raised in the Statement of Claim presented on behalf of the All India Insurance Employees' Association whom he represents, about the particular day, date or festival to be declared as a holiday. The question raised is only about the number of holidays. So far as the number is concerned, it cannot be said that it has been altered to the prejudice of the complainants when they have been allowed the same number of 7 days as they used to enjoy over since the date of their employment. Therefore, the complainants' allegation regarding the contravention of the provisions of section 33(1)(a) also cannot be substantiated.

Before parting with the case it would be pertinent to clarify that the Tribunal should not be understood to lay down that the complainants or employees of the corporation in similar situations, would not be entitled to more than 7 holidays in a year in future. That question is left open and will be gone into while deciding Reference No. NIT-2 of 1969. It would have been in good grace if the opposite party had not curtailed a festival holiday like that of Janmashtmi and substituted it by holiday which was granted to mourn the demise of the then President of India, but it cannot be held on that account that the complainants were entitled to claim it as a holiday as a matter of right. So far as the present complaint is concerned, the Tribunal has only to see whether the opposite party has, by wrongly altering the conditions of the complainants' service, contravened the provisions of sub-section 33(1)(a) or 33(2)(a) and whether the complaint under section 33A is maintainable for that reason. For reasons given above, the allegation about the breach of the provisions of section 33 is, in my opinion, not well-founded and the complaint is, therefore, fit to be dismissed.

The complaint is dismissed accordingly.

New Delhi, the 6th March 1970

S.O. 1072.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bangalore in the industrial dispute between the employers in relation to the Vijaya Bank Limited and their workmen, which was received by the Central Government on the 2nd March, 1970.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALORE

Dated 25th February, 1970

PRESENT:

Sri B. M. Jayamahadeva Prasad, B.A., B.L., Presiding Officer

CENTRAL REFERENCE NO. 3 OF 1969

First Party:—

Workmen of
The Vijaya Bank, Ltd.,
Regd: Office,
Lighthouse Hill Road,
MANGALORE-3.

Vs.

Second Party:—

Management of
The Vijaya Bank, Ltd.,
Regd: Office,
Lighthouse Hill Road,
MANGALORE-3.

APPEARANCES

For the I Party—Sri A. L. Hebbar, General Secretary, the Vijaya Bank Employees' Association, Coast Road, Coondaput (S.K.)

For the II Party—Sri Ganeshan.

REFERENCE

Central Government Reference No. 23/77/69/LRIII, dated 8-9-1969

AWARD

The Central Government, in exercise of the powers conferred upon them under Sec. 7A and clause (d) of sub-section (1) of Sec. 10 of the Industrial Disputes Act, 1947, and by their Order No. 23/77/69/LRIII, dated 8th September, 1969, have referred to this tribunal for adjudication, an industrial dispute between the workmen and management of Vijaya Bank, Ltd., setting out the following points of dispute:—

“Whether the Management of Vijaya Bank, Ltd., Mangalore-3, was justified in transferring Sri Ganesh Shetty, Clerk, from their Dajibanpeth, Hubli Branch (Mysore State) to Kanhangad Branch (Kerala State)? If not, to what relief is he entitled?”

2. The cause of the aggrieved workman has been sponsored and espoused by the Vijaya Bank Employees' Association, Coondaput, (S.K.). This Association as representing the workman is the I Party and the Management of Vijaya Bank Ltd., is the II Party in these proceedings.

3. After the reference was received from the Central Government, it was registered as Reference No. 3 of 1969 (Central) and the parties were notified to submit their pleadings. Accordingly, the Association representing the I Party workman, filed the statement of claim on 16th October, 1969, and the II Party Bank, its counter statement on 28th November, 1969.

4. The case put forward by the Union through its statement of claim is that Sri Ganesh Shetty who was working as a Clerk at Dajibanpeth, Hubli Branch of the II Party Bank, was transferred to its Kanhangad Branch in Kerala State with a view to victimise him and uproot an active trade union worker from his accepted surroundings and social environments. It is submitted by the Association that the transfer of Sri Ganesh Shetty was not under exigencies of service nor connected with the business interest of the II Party Bank. According to the Association, this inter-state transfer is beyond the language area and is made without the consent of the employee and as such, there is contravention of the paragraph 536 of the Sastri Award. The Association has, therefore, stated that the Order of transfer of Sri Ganesh Shetty is illegal and should be set aside.

5. The II Party Bank has resisted the demand made by the Association for cancellation of the Order of transfer of Sri Ganesh Shetty, and in its counter statement, it has not only challenged the competence of Sri A. L. Hebbar to represent the I Party Association or its employees, but has also contended that the Reference

is bad and invalid. It is submitted by the Bank that in the latter part of the year 1968, it had been informed by the Vijaya Bank Employees' Association that the new office-bearers of the Association had been elected at an Extra-ordinary General Body meeting of the Association held on 6th October 1968 and that Sri A. L. Hebbar who has styled himself as Secretary of the Vijaya Bank Employees' Association, is no longer holding the office in the said Association. It is therefore contended by the Bank that Sri A. L. Hebbar has no authority to represent either the Association or its employees and the dispute raised by him does not fall within the ambit of an industrial dispute. On merits, it is contended by the Bank that Sri Ganesh Shetty was transferred in the first instance from Dajibanpeth, Hubli Branch to its Kanhangad Branch in Kerala State and subsequently, he has been transferred to Siddakatte on 22nd August, 1969, a place close to his native place. It is maintained by the Bank that transfers are normal incidents of the working of the Bank and the transfer of Sri Ganesh Shetty was necessitated by the exigencies of service and administration. It is asserted by the Bank that there was no violation of paragraph 536 of the Sastri Award, as alleged by the Association in as much as it only prohibits a transfer of subordinate staff but not the transfer of the Clerical staff beyond the language area. Moreover, Kanhangad cannot be treated as an area beyond the language area, since in 1966 it was part and parcel of South Kanara. It is finally contended by the Bank that the grievance of the Union is unfounded and unjustified and its claim for cancellation of the Order of transfer of Sri Ganesh Shetty is untenable and should be rejected.

6. On the pleadings of the parties, the following issues have been framed in addition to the points of dispute scheduled in the Order of Reference:—

1. Whether the transfer of Sri Ganesh Shetty is *mala fide* and a deliberate act of victimisation and unfair labour practice on the part of the II Party Management?
2. Whether the transfer of Sri Ganesh Shetty is in contravention of paragraph 536 of the Sastri Award?
3. Whether Sri A. L. Hebbar is incompetent to represent the Vijaya Bank Employees' Association or the employees of Vijaya Bank as alleged by the Management in their counter statement?
4. Whether the dispute in question is an industrial dispute within the meaning of Sec. 2(k) of the Industrial Disputes Act, 1947?
5. To what reliefs are the parties entitled?".

7. After the issues were settled, the case was posted to 20th February, 1970, for trial and the parties were notified of the date of hearing.

8. There is no need to go into the merits of the dispute because, on 20-2-1970, when the Reference came up for trial, Sri Ganesh Shetty, the worker involved in the Reference, appeared before this tribunal and made an application stating that he has no dispute with the II Party Bank in the matter of his transfer and that the dispute raised by Sri A. L. Hebbar is without any authority and should, therefore, be rejected. Sri Hebbar, appearing on behalf of Sri Ganesh Shetty submitted that in view of the application made by the concerned worker, the Reference may be rejected.

9. In the circumstances aforesaid, I pass an award rejecting the Reference. There will be no order as to costs.

(Sd.) B. M. JAYAMAHADEVA PRASAD,

Dated, 25th February, 1970.

Presiding Officer,

Industrial Tribunal.

[No. 23/77/69/LRIII.]

New Delhi, the 10th March 1970

S.O. 1073.—Whereas the Central Government being satisfied that the public interest so required, had declared by a notification made in pursuance of the provisions of the proviso to sub-Clause (vi) of Clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), [being the notification of the Government of India, in the ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3860, dated the 16th September, 1969] the copper mining industry, to be a public utility service for the purposes of the said Act for a period of six months from the 25th September, 1969;

And whereas the Central Government is of opinion that the public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 25th March, 1970.

[No. F.1/15/70-LRI(i).]

S.O. 1074.—Whereas the Central Government, being satisfied that the public interest so required, had declared by a notification made in pursuance of the provisions of the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), [being the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3861, dated the 16th September, 1969]. The lead mining industry to be a public utility service for the purposes of the said Act for a period of six months from the 25th September, 1969;

And whereas the Central Government is of opinion that the public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 25th March, 1970.

[No. F.1/15/70-LRI (ii).]

S.O. 1075.—Whereas the Central Government, being satisfied that the public interest so required, had declared by a notification made in pursuance of the provisions of the proviso to sub-clause (vi) of clause (n) of section 2, of the Industrial Disputes Act, 1947 (14 of 1947) [being the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S. O. 3862, dated the 16th September, 1969], the zinc mining industry, to be a public utility service for the purposes of the said Act for a period of six months from the 25th September, 1969;

And whereas the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 25th March, 1970.

[No. F.1/15/70-LRI(iii).]

ORDER

New Delhi, the 10th March 1970

S.O. 1076.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab Co-operative Bank Limited and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said said dispute for adjudication:

Now, Therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri P. P. R. Sawhney, as its Presiding Officer, with headquarters at Chandigarh and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Whether the demand for payment of enhanced conveyance charges to Shri Thakur Durga Dass of the Punjab Co-operative Bank Limited, Jullunder City, for attending to the clearing work is justified? If so, to what relief is he entitled?

[No. 23/6/70-LRIII.]

S. S. SAHASRANAMAN, Under Secy.

(Department of Labour and Employment)

New Delhi, the 7th March 1970

S.O. 1077.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad, in the matter of an application under Section 33A of the said Act, from Sarvashri (1) D. Rajalingu, (2) Venkay, (3) Ramshankar and (4) Amma Odeloo, Tub repairers of main workshops of Singareni Collieries Company Limited, Post Office Kothagudium Collieries, which was received by the Central Government on the 4th March, 1970.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

PRESENT:

Sri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

MISCELLANEOUS PETITION No. 12 OF 1969

IN

INDUSTRIAL DISPUTE No. 30 OF 1967

BETWEEN:

D. Rajalingu, (2) Venkay, (3) Ramshankar & (4) Amma Odeloo, Tub repairers of main workshops of the Singareni Collieries Co., Ltd., P.O. Kothagudium Collieries—Complainants.

AND

The General Manager, Singareni Collieries Company Ltd., P.O. Kothagudium Collieries—Opposite Party.

APPEARANCES:

Sri M. Kumariah, General Secretary, Singareni Collieries Workers Union, Kothagudium—for the Complainants.

Sri M. V. Ramakrishna Rao, Assistant Personnel Officer, Singareni Collieries Company Ltd., Kothagudium—for the Opposite-party.

AWARD

This application is under Section 33A of the Industrial Disputes Act. The four applicants were in the employ of the respondent Collieries in the tub section of its main workshop at Kothagudium. It is stated in the application that they were "tub repairers" in category III as per the Mazumdar Award. Purporting to implement the recommendations of the latest wage board on coal industry the management had designated them as tub repairing mazdoors in Category II of the said wage board. It is complained that thereby the management had changed conditions of service of these workers. The date of the order by which the designations were so changed is not stated. The change of designation is an admitted fact. We may take it that it was done some time before this application was made. Industrial Dispute No. 30 of 1967 was then pending here, the parties to it being the management of the Singareni Collieries on the one side and its employees on the other. The issue in it is in respect of categorisation and wage structure. The applicants are thus concerned in that dispute. The complaint is that by change of designation the management had affected change of conditions of service. The action of the management is characterised as an attempt to thwart the reasonable claims made by this class of workers in I.D. No. 30 of 1967. The change of designation is characterised as violation of the provisions of section 33 of the I.D. Act. It is prayed that the Tribunal may decide the complaint and pass "such orders thereon as it may deem fit and proper".

2. The management filed counter. It is stated that the change of designation as tub-repairing mazdoor was in conformity with the recommendations of the wage board on coal industry and therefore it could not be construed as change in conditions of service. It is pointed out that the applicants do not have cause of action to complain under section 33A. It is further stated that the applicants are now getting higher emoluments than formerly.

3. I heard arguments of Mr. Kumariah for the applicants and of Mr. Ramakrishna Rao for the respondent company. The facts that are common ground between them are these. As Assistant Tub Repairers the applicants were formerly

in category III of the Mazumdar Award. Assistant tub-repairers are semi-skilled, lower. The old classification as per Mazumdar award consisted of 10 categories of daily rated workers. The wage board on coal industry reduced that number to 6 categories. Old category I is now new category I. Old Categories II and III are now the new category II. Old categories IV and V are now category III. Old categories VI and VII are now new category IV. Old categories VIII and IX are now new category V. Some of the old category IX and old category X are now in the new category VI. The management had placed Assistant Tub Repairers who were in old category III in the new category II. They continue to be semi-skilled lower in the new category II although they are now termed as tub-repairing mazdoors. They continue to be daily rated. In the old category III the applicants were getting daily rate total emoluments of Rs. 5.27. In the present category II the daily basic is Rs. 5.83 besides dearness allowance from 15th August, 1957. As of now, the applicants are getting daily basic of Rs. 6.07 besides daily dearness allowance of Rs. 1.29.

4. Mainly, the contention of Mr. Kumariah is that the change of designation in respect of the applicants may thwart the claim of this class of workers as put forward in I.D. No. 30 of 1967. As I said, the issue in that dispute is with regard to categorisation of certain classes of workers and wage structure. The management had affected change in the designation of the applicants because in its view that is how it should be by implementing the recommendations of the wage board on coal industry. But from the point of view of the Union that would not be the correct way of implementing the said recommendations. Whether or not the management could change the designation purporting to be in conformity with the recommendations of the wage board, would be a matter that would be gone into in the enquiry in the dispute in I.D. No. 30 of 1967. I do not wish to say anything here that may impugn upon the respective stands taken by the parties in that dispute. The issue therein awaits full fledged trial. What I would note for the present for the purpose of enquiry in this application is that the change of designation does not seem to be change of conditions of service. Although designated as tub repairing mazdoors in the present category II, the applicants continue in the class of semi-skilled lower, and the job description would appear to be same as was in old category III. The applicants, despite change of designation, are getting higher emoluments in the present category II than what they were getting in the old category III. Be all that as it may, the final decision would come in the award in I.D. No. 30 of 1967 not only in respect of the class of employees represented by these applicants but also in respect of several other classes of employees. Any action now taken by the management purporting to implement the recommendations of the wage board would be subject to the judgment in the award to follow in I.D. No. 30 of 1967. Meanwhile, I hold that any relief need not now be given to the applicants in this application under section 33A of the I.D. Act.

AWARD passed accordingly.

Given under my hand and the seal of the Tribunal, this the 27th day of February, 1970.

(Sd.) M. NAJMUDDIN,
Industrial Tribunal.
[No. 8/38/70-LR.II]

S.O. 1078.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad, in the matter of an application under Section 33A of the said Act from Shri B. Sairam, Clerk, Shanti Khani, Belampalli (Andhra Pradesh), which was received by the Central Government on the 28th February, 1970.

BEFORE THE CENTRAL INDUSTRIAL TRIBUNAL AT HYDERABAD
PRESENT:

Sri Mohammad Najmuddin, M.A., B.L., Chairman Industrial Tribunal,
Andhra Pradesh, Hyderabad.

MISCELLANEOUS PETITION NO. 86 OF 1968

IN

INDUSTRIAL DISPUTE NO. 3 OF 1967

BETWEEN

B. Sairam, Clerk, Shanti Khani, Belampalli Division.

AND

The Manager, Shanti Khani, Belampalli Division, Singareni Collieries Co.,
Ltd., Belampalli.

APPEARANCES:

Sri S. Nagiah Reddy, President, Tandur Coal Mines Labour Union Belampalli, for the complainant—workman.

Sri M. Shyam Mohan, Personnel Officer, S. C. Company Ltd., for the Respondent—Management.

AWARD

This application is under Section 33A of the Industrial Disputes Act. The applicant, B. Sairam, was clerk in the employ of the respondent Collieries at Shanti Khani, Belampalli Division. Under clause 11(c) of the Standing Orders of the Company an employee would lose his lien on his employment in case he is absent from duty for more than 10 days without leave or permission. This clerk was granted leave for three days, that is, from 11th to 13th November, 1967. He did not rejoin duty at the expiry of the period of leave. Instead, he sent a telegram on 17th November requesting extension of leave for 10 days. The management declined to grant extension, and intimated to him accordingly by letter on 18th November. He did not rejoin duty. He came back to join duty on 12th January, 1968. Meanwhile by letter dated 29th November the management intimated to him that as he has been absent from duty without leave or permission for more than 10 days beyond 13th November, he has lost lien over his employment by the operation of clause 11(c) of the Standing Orders of the Company and that in consequence his name was removed from the rolls with effect from 29th November, 1967. As in its view the action so taken was not a punitive measure for any alleged misconduct, the management did not choose to make an application under the proviso to sub-section (2) (b) of section 33 of the I.D. Act although I.D. No. 30 of 1967 was then pending here. The issue in it is in respect of revision of wage structure in respect of employees in the respondent collieries. The applicant, Sairam, was concerned in that dispute. Seeing that the Management has not chosen to comply with the above said proviso, Sairam made this application under Section 33A complaining that the Management had thereby contravened the provisions of section 33. It is prayed in the application that the applicant be put back into employment with retrospective effect and back wages.

2. Briefly, the counter of the Management is that although I.D. No. 30 of 1967 was pending here at the time the impugned order was passed, it was not a case of the action taken being as a result of any misconduct, and that the said action automatically resulted from application of clause 11(c) of the Standing Orders of the Company. That being so, the contention in the counter is that this application is not maintainable under section 33A.

3. It is not necessary to deal with the contentions of the parties pleaded in the respective pleadings. The reason is that a memorandum of settlement dated 14th February, 1970, is filed. It is signed by Mr. Vasudevan who is the Deputy General Manager of the Collieries and by Mr. Shyam Mohan who is Personnel Officer at Belampalli. They represent the Management. It is also signed by Mr. S. Nagiah Reddy who is the President of the Tandur Coal Mines Labour Union. The applicant also has signed it. Mr. Shyam Mohan and Mr. Nagiah Reddy are present and presented the settlement in question. Mr. U. Thatharao who is the Secretary of the above Union is also present. I have perused this memorandum of Secretary. It is fair and equitable between the parties.

4. Award is passed in terms of the memorandum of settlement dated 14th February, 1970, copy whereof is appended hereto.

Given under my hand and the seal of the Tribunal, this the 20th day of February, 1970.

(Sd.) M. NAJMUDDIN,
Industrial Tribunal.
[No. 8/35/70-LR.II.]

Memorandum of Settlement arrived at between the management of Singareni Collieries Company Limited, Belampalli and the workman represented by the President, Tandur Coalmines Labour Union, Belampalli under rule 58(4) of the I.D. Act at Belampalli on 14th February, 1970.

Names of the Parties:

Representing management

1. Sri M. Vasudevan,
Dy. General Manager,
The S. C. Co. Ltd., Belampalli.
2. Sri M. Shyam Mohan,
Personnel Officer,
The S. C. Co. Ltd., Belampalli.

Representing workman

1. Sri S. Nagaiah Reddy,
President, Tandur Coalmines
Labour Union, Belampalli.
2. Sri B. Sairam, Ex-Clerk
Shanti Khani, Belampalli. Dn.

Short recital of the case

Sri B. Sairam was employed as Clerk at Shanti Khani in Belampalli Division. His name was removed from the rolls of the Company with effect from 29th November, 1967 due to overstaying of sanctioned leave under Company's S. O. 11(C). The workman filed an application under section 33(A) of the Industrial Disputes Act, 1947 to the Industrial Tribunal (C) at Hyderabad which was numbered as M.P. No. 86/68 in I.D. No. 30/1967. The management filed its counter statement on 27 April 1968.

The workman approached the management that his case may be sympathetically considered and reinstated in the Company. The President, Tandur Coalmines Labour Union represents the case. Discussions were held between the management and the workman and after prolonged negotiations, the following settlement is arrived at.

Terms of Settlement

1. The management agree to reinstate Sri B. Sairam as Clerk in the services of the Company with effect from 23rd February, 1970.
2. The period of his absence from the date of his termination to the date of his reporting for duty will be treated as leave on loss of pay and the workman is not eligible for any wages for the period of idleness.
3. The workman withdraws his application under section 33A of the I.D. Act, from the Industrial Tribunal (Central) at Hyderabad.
4. The workman has no further claim whatsoever in this matter.
5. Copies of this settlement are sent hereby to the concerned Government authorities as required under rule 58(4) of I.D. Act.

Signatures of parties:

On behalf of management
(Sd.) M. VASUDEVAN,
(Sd.) M. SHYAM MOHAN,

On behalf of workman
(Sd.) S. NAGAIAH REDDY,
(Sd.) B. SAIRAM,

Witnesses:

(Sd.) M. V. GALANDE, Divl. Personnel Officer.

(Sd.) N. V. N. CHARI, Steno.

S.O. 1079.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Hyderabad, in the matter of an application under Section 33A of the said Act from Shri Avunuri Nalla Posham Daily Mazdoor, Shanti Khani, Belampalli Division (Andhra Pradesh), which was received by the Central Government on the 28th February, 1970.

BEFORE THE INDUSTRIAL TRIBUNAL, (CENTRAL) AT HYDERABAD

PRESENT:

Sri Mohammad Najmuddin, M.A., B.L., Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

MISCELLANEOUS PETITION No. 221 of 1968

IN

INDUSTRIAL DISPUTE No. 30 of 1967

BETWEEN

Avunuri Nalla Posham, Daily Mazdoor, Shanti Khani, Belampalli Div.

AND

The Manager, Bellampalli Division, Singareni Collieries Co., Ltd., Bellampalli.

APPEARANCES:

Sri S. Nagaiah Reddy, President, Tandur Coalmines Labour Union, Bellampalli, for the complainant-workman.

Sri M. Shyam Mohan, Personnel Officer, S.C. Company Ltd., for the Respondent-Management.

AWARD

This application is under section 33A of the Industrial Disputes Act. The applicant was daily mazdoor in the employ of the respondent collieries at Shanti Khani, Belampalli Division. It would appear that the real name of the applicant was Regunta Durgaian but not Avunuri Nalla Posham. This fact of impersonation was discovered on investigation made, and the applicant admitted that to be so. Thereafter the management refused to admit him for work. That was in the month of January, 1968. I.D. No. 30 of 1967 was then pending here, the parties to it being the management of the Singareni Collieries on the one side and its employees on the other. As the action taken by the management was in consequence of the applicant impersonating somebody else, it did not think it necessary to make an application here for approval of the action taken as required by the proviso to sub-section (2) (b) of section 33 of the I.D. Act. It is insisted in this application under section 33A that the applicant is in fact Avunuri Nalla Posham. It is therefore complained that the management had contravened the provisions of section 33 by not complying with the above said proviso. It is prayed that the applicant be taken back into employment with retrospective effect and back wages.

2. The counter of the management is that it had been established as a fact by investigation that the applicant's name was Regunta Durgaiah and not Avunuri Nalla Posham and that this impersonation had been admitted by the applicant in the said investigation. Since the action taken by the management was in consequence of, what is described as, deceitful conduct on the part of the worker, the case of the management is that there was no obligation to comply with the proviso to sub-section (2)(b) of section 33 of the I.D. Act.

3. There is no need to embark upon an enquiry in this application which has come up today for disposal. The reason therefore is that a memorandum of settlement dated 9th February, 1970 is filed. It is signed by Mr. Shyam Mohan, Personnel Officer of the Company at Belampalli. It is also signed by Mr. S. Nagaiah Reddy who is president of the Tandur Coal Mines Labour Union. It contains the thumb impression of the applicant. Mr. Nagaiah Reddy states that the applicant had put his thumb impression in his presence. The memorandum of settlement is presented by Mr. Shyam Mohan and Mr. Nagaiah Reddy. Mr. U. Thatha Rao, the Secretary of the above said Union, is present. The memorandum of settlement is attested by two witnesses. I have perused the terms of settlement. They are fair and equitable between the parties.

4. Award is passed in terms of memorandum of settlement dated 9th February, 1970, copy whereof is appended herewith.

Given under my hand and the seal of the Tribunal, this the 20th day of February, 1970.

(Sd.) M. NAJMUDDIN,
Industrial Tribunal.

Memorandum of Settlement arrived at between the management of Singareni Collieries Company Limited, Belampalli and workman represented by the President, Tandur Coalmines Labour Union Belampalli under rule 58(4) of the I.D. Act on 9th February, 1970 at Belampalli.

Names of the parties

On behalf of management
Sri M. Shyam Mohan,
Personnel Officer,
Belampalli group of mines,
Belampalli.

On behalf of workman
Sri Avunuri Nalla Posham,
ex-daily mazdoor.
Sri S. Nagaiah Reddy,
President, Tandur Coalmines
Labour Union, Belampalli.

Short recital of the case

Sri Avunuri Nalla Posham was charge-sheeted vide letter No. CS/8/3, dated 19th January, 1968, and an enquiry was held on 27th January, 1968 at which he was present. He admitted that his real name is Regunta Durgaiah and that he was imprisoned and that he may be excused and taken on duty on his original name.

The workman Avunuri Nalla Posham preferred a petition under section 33(A) before the Tribunal and the case is registered as M. P. No. 221/1968 in I.D. No. 30/1967. Counter was filed by the management denying the claim of the workman. Thereafter the workman alongwith the President, Tandur Coalmines Labour Union discussed the matter bilaterally and arrived at the following settlement as per the terms shown below.

Terms of Settlement

1. That Avunuri Nalla Posham will be re-employed as daily mazdoor at Morgans Pit w.e.f. from 23rd February, 1970 and his name on the rolls will be Regunta Durgaiah.
2. That the workman is not entitled for wages from 19th January, 1968 to 23rd February, 1970 during which period he had not worked.
3. That leave with pay wages for 1968 will be paid by the management, if eligible, as per the musters put in by him.
4. That the case is fully and finally settled and the workman has no claim whatsoever. The workman withdraws the petition under section 33A and registered as M.P. No. 221/1968 in I.D. No. 30/1967 and the case may be closed.
5. That the parties hereby send copies of this agreement to the various Government authorities concerned under rule 58(4) of the I.D. Act and file this agreement before the Industrial Tribunal (C), Hyderabad.

Signatures of parties:

On behalf of management

(Sd.) M. SHYAM MOHAN,

On behalf of workman

L.T.I. of AVUNURI NALLA Posham,
(Sd.) S. NAGAIAH REDDY,

Witnesses:

(Sd.) M. V. GALANDE, Divl. Personnel Officer:

(Sd.) N. V. N. CHARL, Steno.

New Delhi, the 13th March 1970

S.O. 1080.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Selected Samla Colliery, Post Office Pandaveshwar, District Burdwan, and their workmen, which was received by the Central Government on the 4th March, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

REFERENCE NO. 100 OF 1969

PARTIES:

The employers in relation to the management of Selected Samla Colliery,

AND

Their workmen.

PRESENT:

Shri B. N. Banerjee, Presiding Officer.

APPEARANCES:

On behalf of Employers—Mr. K. P. Mukherjee, Counsel instructed by Mr. J. D. Mukherjee, Advocate.

On behalf of Workmen—Mr. Dipak Kumar Ghosh, Adviser, Colliery Mazdoor Sabha, with Mr. Robin Chatterjee, Vice-President, Colliery Mazdoor Sabha.

STATE: West Bengal

INDUSTRY: Coal Mines

AWARD

By Order No. 6/74/69-LRII, dated November 13, 1969, the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), referred the industrial dispute between the employers in relation to the management of Selected Samla Colliery and their workmen, to this Tribunal, for adjudication, namely:

“Whether the demand of the Colliery Mazdoor Sabha, Raniganj for reinstatement of the workers as given below with effect from the dates shown against each is justified?

Sl. No.	Name of the worker	Designation	Date
1	2	3	4
1	Shri Rematur Yadav	Chaparsi	20-5-69
2	Shri Sudhiram Yadav	Do.	20-5-69
3	Shri Amar Singh	Do.	20-5-69
4	Shri Bahadur Yadav	Do.	20-5-69
5	Shri Ramahari Singh	Do.	20-5-69
6	Shri Pahari Singh	Do.	20-5-69
7	Shri Ramgan Singh	Do.	20-5-69
8	Shri Barai Pandey	Do.	20-5-69
9	Shri Rajkishori Singh	Do.	20-5-69
10	Shri Sitaram Dubey	Do.	20-5-69
11	Shri Mahesh Gore	Do.	20-5-69
12	Shri Raghabendra Singh	Do.	20-5-69
13	Shri Babulal Singh	Do.	20-5-69
14	Shri Durga Prasad Tewari	Do.	20-5-69
15	Shri Kashi Nath Singh	A/Sird	15-5-69
16	Shri Dinanath Chand	Do.	15-5-69
17	Shri Siaram Gope	L/Supr.	21-5-69

1	2	3	4
18	Shri Sitala Ahir	L/Suprl	21-5-69
19	Shri Satdeo Singh	Do.	21-5-69
20	Shri Ahmed Mia	Trammer	21-5-69
21	Shri Shyam Behari Kohar	Do.	21-5-69
22	Shri Dinanath Kohar	Do.	21-5-69
23	Shri Sadanand Dhar	Do.	21-5-69
24	Shri Mahendra Yadav	Do.	21-5-69
25	Shri Ramgopal Yadav	Do.	21-5-69
26	Shri Ram Chhabila Choubey	Do.	21-5-69
27	Shri Durbijoy Yadav	L/Mazdoor	21-5-69
28	Shri Kedar Pandey	B/Khal	21-5-69
29	Shri Algo Mian	Loader	15-5-69
30	Shri Bhatan Tanti	Do.	15-5-69
31	Shri Tejendra Singh	Do.	15-5-69
32	Ramchandra Yadav	Chaprasi	20-5-69
33	Shri Madan Singh	L/Mazdoor	18-5-69
34	Shri Sachan Singh	Trammer	18-5-69
35	Shri Bas Bahadur Singh	Clerk	2-6-69
36	Shri Ramuath Nunia	Trammer	21-5-69

If so, to what relief are the workmen entitled?"

2. The parties did not at first file their written statements. But, after the settlement of peremptory date of hearing, both the parties woke up and filed their statements. On the first date fixed for peremptory hearing, there was an application for adjournment by the management. The adjournment was granted subject to the payment of costs, which costs have admittedly been paid. On the adjourned date of hearing, namely, to-day, the parties filed a petition of compromise settling the dispute amicably amongst themselves. I find that the settlement is legal and completely settles the dispute.

3. I therefore pass an award in terms of settlement. Let the petition of settlement form part of this award.

(Sd.) B. N. BANERJEE,
Presiding Officer.

Dated, February 27, 1970.

BEFORE SHRI B. N. BANERJEE, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, CALCUTTA

In the matter of

REFERENCE NO. 100 OF 1969

AND

In the matter of

The Employers in relation to the management of The Selected Samla Colliery,
P.O. Pandaveswar, District Burdwan.

AND

Their workmen, represented by the Colliery Mazdoor Sabha, Raniganj, District Burdwan.

The humble joint petition of the parties above named most respectfully,

SHEWETH:

1. That without prejudice to the contentions of either party made in their respective written statement submitted before this Hon'ble Tribunal, the parties have mutually settled the subject matter of the present adjudication proceedings on the following terms:

Terms of Settlement

(a) The management in relation to Selected Samla Colliery, P. O. Pandaveswar, Dist. Burdwan shall pay a sum of Rs. 12,000 (Rupees Twelve Thousand only) as special payments to all concerned persons excepting three of them, viz., Shri Siaram Gope (Sl. No. 17), Shri Sitala Ahir (Sl. No. 18), Sri Mahes Gore (Sl. No. 11),

who will be taken back with continuity of service, but without any back wages till the date of such employment. Said three persons should report for duty by the 5th of March, 1970. Such payments to the said thirty-three persons shall be treated as full and final settlement of all their upto date claims and/or demands including the claims of their respective re-employment and/or reinstatement excepting the above mentioned three persons. The said concerned persons shall be paid their legal dues, if any, within ten days in case they attend to collect, otherwise the company shall remit the same by Money-order, within fifteen days.

(b) The above mentioned sum of Rs. 12,000/- (Rupees Twelve thousand only) will be paid by the management of the Selected Samla Colliery on Monday the 2nd March, 1970 before the Regional Labour Commissioner, (Central), Asansol, to Sri Robin Chatterjee, vice-President Colliery Mazdoor Sabha or his authorised agent, who shall accept the abovementioned amount on trust to be suitably distributed amongst the above mentioned 33 persons.

(c) That the parties shall jointly submit before the Hon'ble Tribunal for an Award incorporating the present terms of settlement.

(Sd.) LAKSHMI NARAIN MALVE,

Manager..

(Sd.) ROBIN CHATTERJEE,

Vice-President.

Colliery Mazdoor Sabha Raniganj.

Selected Samla Colliery,

P. O. Pandaveswar..

(Sd.) DIPAK KUMAR GHOSE, Advisor,

(Sd.) J. D. MUKHERJEE,

Colliery Mazdoor Sabha:

Advocate..

Dated the 27th Feb., 1970.

[No. 6/74/69-LR.II.]

S O. 1081.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3) Dhanbad, in the industrial dispute between the employers in relation to the Kalyani Selected Kargali Colliery, Post Office Bermo, District Hazaribagh and their workmen, which was received by the Central Government on the 4th March, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 3) AT DHANBAD
REFERENCE NO. 6 OF 1970

PRESENT:

Shri Sachidanand Sinha, M.A.M.L., Presiding Officer.

PARTIES:

Employers in relation to Kalyani Selected Kargali Colliery,

AND

Their Workmen.

APPEARANCES:

For Employers.—Shri K. L. Kothari, Partner.

For Workmen.—None appeared.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, the 24th February 1970

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Kalyani Selected Kargali Colliery, Post Office Bermo, District Hazaribagh and their workmen, by its order No. 2/169/69-LRII dated the 9th of January, 1970 referred under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule thereto. The Schedule is extracted below:—

SCHEDULE

“Whether the management of Kalyani Selected Kargali Colliery is justified in transferring Shri Ram Rekha Singh, Provident Fund Clerk to the Head Office at Jaridih Bazar, Bermo? If not, to what relief he is entitled and from what date?”

2. The parties negotiated the dispute and they have settled it amicably. They have filed a memorandum of settlement arrived at between the management of Kalyani Selected Kargali Colliery and the Colliery Mazdoor Sangh in presence of the Labour Enforcement Officer(C), Bermo. Sri Kantilal Kothari represented the Management and Sri Bindeshwari Dubey, General Secretary represented the Union. The settlement was made in presence of the Labour Enforcement Officer(C), Bermo, who has also signed the memorandum of settlement. The Parties therefore, have filed the memorandum of settlement at annexure 'A'.

3. According to the terms of the memorandum of settlement Sri Ram Rakha Singh, the concerned workman has been allowed to resume his duty at the colliery with effect from 19th November, 1969 and the period of absence of the concerned workman Sri Ram Rekha Singh from 1st March 1969 to 18th November 1969 will be treated as leave without pay. The terms of settlement are fair and reasonable and the same are accepted. Accordingly an award is made in terms of the memorandum of settlement, a copy of which is enclosed with the award.

4. It may now be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,
Presiding Officer.

Copy

Memorandum of agreement arrived between the Management of Kalyani Selected Kargali Colliery, Bermo and the Colliery Mazdoor Sangh in presence of Labour Enforcement Officer (C), Bermo in respect of an Industrial Dispute over the alleged transfer of Shri Ram Rekha Singh.

Shri Kantilal Kothari and Shri Bindeshwari Dubey, General Secretary, represented the Management and the Union respectively. After a prolonged discussion the dispute was settled on the following terms and conditions:—

1. That Shri Ram Rekha Singh has been allowed to resume his duty at the colliery with effect from 19th November, 1969.

2. The period of absence of Shri Ram Rekha Singh from 1st March 1969 to 18th November 1969 will be treated as leave without pay.

Both the Management and the Union will file a compromise petition before the Central Government Industrial Tribunal Cum Labour Court No. 3, Dhanbad in the reference No. 6 of 1970 on the above line.

For the Management,
(Sd.)

Partner,

(Sd.) Kalyani Selected Kargali Colliery.
Labour Enforcement Officer(C),

For the Union.

(Sd.)

General Secretary.
Colliery Mazdoor Sangh,

Bermo.

Dated the 7th February, 1970.

[No. 2(169)/69-LR.II.]

S.O. 1082.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, (No. 3) Dhanbad, in the industrial dispute between the employers in relation to the Malkera-Choitudjh Collieries of Messrs Tata Iron and Steel Company Limited and their workmen, which was received by the Central Government on the 4th March, 1970.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD

REFERENCE NO. 14 OF 1968

PRESENT:

Shri Sachidanand Sinha, M.A.M.L., Presiding Officer.

PARTIES:

Employers in relation to the Malkera-Choitudih Collieries of M/s. Tata Iron and Steel Co. Ltd.

VS.

Their Workmen.

APPEARANCES:

For employers—Shri S. S. Mukherjee, Advocate.

For Workmen—Shri S. S. Kapoor, B. N. Singh and B. Joshi, Advocates.

INDUSTRY: Coal

STATE: Bihar.

Dhanbad, the 23rd February 1970

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Malkera Choitudih collieries of Messrs Tata Iron & Steel Company Limited and their workmen, by its order No. 2/145/65-LRII dated the 29th of January, 1966 referred to the Central Government Industrial Tribunal, Dhanbad under section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:—

SCHEDULE

“Considering the rates of wages per tub of the underground trammers of the other seams of Malkera and Choitudih collieries of Messrs Tata Iron and Steel Company Limited, Jamadoba, Post Office Jealgora, District Dhanbad, what should be the rates of wages per tub payable to the trammers of the 14th Seam Choitudih with effect from the 6th May, 1965 and to what relief the following 27 trammers are entitled?

1. Shri Chatori Bhula.
2. Shri Charitar Mahato.
3. Shri Gafur Mia.
4. Shri Guput Chamar.
5. Shri Kailu Bhulia.
6. Shri Matru Bhulia.
7. Shri Haricharan Mahato.
8. Shri Dewarik Mahato.
9. Shri Dukhan Mia.
10. Shri Manger Bhulia.
11. Shri Nanhak Bhulia.
12. Shri Chotan Bhulia.
13. Shri Chotu Mahato.
14. Shri Govind Mahato.
15. Shri Ram Charan Bhulia.
16. Shri Mungeshwar Bhulia.
17. Shri Jitan Bhulia.
18. Shri Seemurat Chamar.
19. Shri Kaltu Bhulia.
20. Shri Hanif Mia.
21. Shri Kalli Dusadh.
22. Shri Jalo Das.
23. Shri Rambilash Singh.
24. Shri Tulsi Bhulia.
25. Shri Munshi Hazam.
26. Shri Seebalak Bhulia.
27. Shri Rajabali Mia.

2. The Central Government Industrial Tribunal Dhanbad registered the reference as reference No. 15 of 1966 on its file. The Central Government, by its order No. 8/25/67-LRII dated the 8th of May, 1967 transferred the dispute to the Central Government Industrial Tribunal (No. 2), Dhanbad where it was registered as

reference No. 102 of 1967. The Central Government, by its subsequent order No. 8/71/68-LRII dated the 13th of August, 1968 transferred the dispute to this Tribunal and here it has been registered as reference No. 14 of 1968.

3. The Colliery Mazdoor Sangh filed written statement on behalf of the workmen on 30th April 1968. Their case is that the concerned 27 workmen are piece-rated trammers working in 14 seam Choitudih section of Malkera Choitudih colliery but they are not being given proper wages per tub. The case of the Union is that working in 14 seam in Choitudih section was stopped sometime in 1962 and these workmen were asked to work in 15 seam. The 14 seam again re-opened on 6th May, 1965 and these workmen were again put to work there but the rate that was given by the management was 84 paise per tub of 40.5 cft. According to the Union the rate of 84 paise per tub of 40.5 cft. given by the management to these workmen is very low and unreasonable and has no bearing or relation to either old rates or the conditions prevailing in both Choitudih and Malkera Sections. According to the Union the previous rate was Rs. 1.09 per tub of 36 cft and that the reasonable rate per tub of 40.5 cft. should have been Rs. 1.25. According to the Union this was the proper, suitable and reasonable rate per tub of 40.5 cft. and they are entitled to get that amount from the 6th of May, 1967.

4. The case of the Union is also very clearly stated by WW-4 Abdul Zabar, Vice President of the Colliery Mazdoor Sangh. According to him prior to closure of 14 seam in 1962 there were two gangs of trammers. One gang of trammers used to handle the load from face to drift and the other gang used to handle the load from drift to pit bottom. The gang from face to drift used to get 81 paise per tub of 36 cft. and second gang from drift to pit bottom used to get 30 paise per tub of 36 cft. Therefore the case of the Union is that prior to year 1962 there were two rates, the sectional rate which was 81 paise per tub and the pit bottom rate which was 30 paise per tub. Therefore, the combined rate from face to pit bottom was Rs. 1.11 paise per tub of 36 cft. The case of the Union is that since the year 1965 there is only one gang of trammers from face to pit bottom for which they get 81 paise per tub of 40.5 cft. Therefore, the demand of the Union is Rs. 1.25 per tub of 40.5 cft.

5. The management filed written statement on 25th May 1968. Their contention is that the concerned workmen are underground trammers at 14 seam Choitudih and are all piece-rated workmen, and their categories being already fixed, namely, category V and therefore, their demand for increase in rate per-tub can only be considered if the earning of the trammers in any particular section or seam falls generally below the category wages and since these concerned workmen earn the category wages and even more and as such the present demand for increase in rate per-tub is unjustified.

6. According to the management the trammers who were working in 15 seam Choitudih were subsequently offered work in 14 seam on completion of their assignment in 15 seam Choitudih. The job content in 14 seam being the same as in 15 seam the trammers concerned were offered the same rate. It was further submitted that the rates of 15 seam were fixed considering the work load after negotiation with the Colliery Mazdoor Sangh.

7. It was further submitted that in the past when sections of the 14 seam were being worked along with those of 13 and 12 seams, the working were extensive and there was one rate fixed for work in all sections and seams. Subsequently due to deepening of No. 1 Pit, transport was re-organised and separate rate for tramping in 12 seam was fixed. The work in other seams being completed at the time, new rate mentioned above was negotiated with the Union for 14 seam and was made operative. At that time the conditions of tramping work then existent were lined up in several seams and were quite different from the present one of 14 seam. The tramping and the work load in 14 seam at present is at par with that of 15 seam Choitudih and therefore, any comparison of the past working conditions in 14 seam is misconceived.

8. Therefore, according to the management the present rate per tub paid to the Trammers of 14 seam Choitudih is fair, reasonable and in-keeping with the working condition and work load existing at No. 14 seam and therefore, the concerned 27 workmen are not entitled to any relief.

9. On behalf of the management one witness was examined *viz.* Sri R. N. Sharma, Chief Mining Engineer, TISCO and 12 items of documents were exhibited and are marked as Ext. M-1 to M-12. On behalf of the Union 4 witnesses were examined and 2 items of documents were exhibited and are marked as Ext. W-1 to W-2.

10. The point for consideration is what should be the rates of wages per-tub payable to the trammer of the 14 seam Choitudih with effect from the 6th May, 1965

considering the rates of wages per-tub of the underground trammers of the other seams of Malkera and Choitulih Collieries.

11. In this connection there are certain facts which are not disputed. 14 seam in Choitulih section was stopped sometime in the year 1962 and these workmen were asked to work in 15 seam. The 14 seam again re-opened on the 6th of May, 1965. The case of the Union is that prior to 1962 when these concerned workmen were working in 14 seam there were 2 rates, the sectional rate and the pit bottom rate. The sectional rate was 81 paise per-tub of 36 cft. and the pit bottom rate was 20 paise per-tub of 36 cft. i.e. 111 paise per-tub of 36 cft.

12. WW-2 is Munshi Hazam, the concerned workmen mentioned in serial No. 25. He has stated in his evidence that he worked at the 14 seam Choitulih section till the year 1962 and thereafter he was transferred to seam No. 15 and that in the year 1965 he was again transferred from 15 seam to 14 seam. Before he was transferred to 15 seam he was working in 14 seam from face upto the drift and he used to get 81 paise per-tub of 36 cft. He has further stated that there was another gang of trammers from drift to pit bottom and that they used to get 30 paise per-tub of 36 cft. He further stated that at present there is one set of trammers from face to pit bottom and they get 81 paise per-tub of 40.5 cft. Similarly WW-3 Sri Rambillash Singh, the concerned workmen mentioned in serial No. 23 has stated in his evidence that in the year 1962 when he was working in 14 seam he used to work from drift to pit bottom for which he used to get 30 paise per tub of 36 cft. He further stated that at present he is working from face to pit bottom for which he gets 81 paise per-tub of 40.5 cft. WW-4 is Sri Abdul Zabar, the Vice President of the Colliery Mazdoor Sangh. I have already referred his evidence. According to him since the year 1965 one gang of trammers worked from face to drift and drift to pit bottom for which they get 81 paise per-tub of 40.5 cft. This position is practically admitted by the Management. Sri R. N. Sharma the Chief Mining Engineer has stated in his evidence that all the raising that used to come from 12, 13 and 14 seams has to be handled to the drift and from drift to the pit bottom. There was a gang of trammers in each shift for handling the load in the drift and the pit bottom and that there was different rate for each gang in this area. Therefore, even according to the management the raising from pit No. 12, 13 and 14 seams used to be handled from face to drift by one gang and from drift to pit by another gang and they had different rates. According to the Union the old rate was 81 paise as sectional rate and 30 paise per-tub as pit bottom rate for a tub of 37 cft. At present there is only one rate including the sectional rate and pit bottom rate which is only 81 paise per-tub of 40.5 cft. According to the Union this combined rate for a tub of 40.5 cft. should be Rs. 1.25 per tub. Therefore, the claim of the Union is that the reasonable rate should be Rs. 1.25 paise per-tub of 40.5 cft. This claim of the Union for the rate of 1.25 paise per-tub of 40.5 cft. is resisted by the management. According to the management the present rate of 81 paise per-tub of 40.5 cft. is fair, reasonable and in keeping with the working condition and work load existing at No. 14 seam.

13. Therefore, I have got to see whether the present rate of 81 paise per-tub for 40.5 cft. is fair and reasonable?

14. The main contention of the Union is that prior to 1962 i.e. before the reorganisation of the 14 seam they were getting for the same work load Rs. 1.11 for per-tub of 36 cft. which comes Rs. 1.25 per-tub of 40.5 cft. According to the management the trammimg conditions prior to the year 1962 were quite different from the present trammimg condition of seam No. 14. According to the Union there has been no change in trammimg condition of 14 seam and they are entitled to Rs. 1.25 per head per-tub of 40.5 cft.

15. Ext. M-8 is the line diagram showing the previous trammimg condition in Choitulih while coal was raised from No. 2 pit when 14 seam was working along with 12 and 13 seams. Ext M-9 is the line diagram showing the trammimg condition in Choitulih section when 14 seam was started in 1965. On the strength of Ext. M-8 and M-9 it was submitted before me on behalf of the management that in 14 seam transport arrangement by rope haulage which inserted in the year prior to 1961 three haulages were worked in series while in the same 14 seam transport arrangement by rope haulages after reorganisation when extension from this seam recommended in 1965 only two haulages were required to be worked in series. It was further submitted that prior to 1961, the loads were required to be handpushed to a certain distance but after reorganisation of 14 seam transport arrangement in 1965 hand pushing has been entirely eliminated and at present no hand-pushing is involved in the new arrangement. It is also submitted that in the present transport arrangement of 14 seam in 1965 the trammimg distance has also been considerably reduced. Therefore according to the management any comparison with the past working of 14 seam with the present working of the 14 seam is misconceived and there can be

no valid comparison in regard to the wages in respect of the workings of the 14 seam prior to 1962 and since 1965 when the 14 seam was re-organised. I also find considerable substance in the submission of the management.

16. The case of the management is that the concerned workmen were working in 15 seam Choitudih colliery and they were subsequently offered work in 14 seam Choitudih section on completion of their assignment in 15 seam Choitudih. The work-load in 14 seam being the same as in 15 seam, the same rate was offered. In this connection it was further stated that the rate and the work-load in 15 seam were decided after negotiation with the Union and as agreed to by the management and the Union. According to the management the work in 14 seam presently is at par with that of 15 seam Choitudih and the work-load is the same as that of 15 seam.

17. Ext. M-3 is the letter dated 31st October 1963 by the Chief Mining Engineer to the Manager of Malkera Colliery showing that the rate of 15 seam underground trammers was fixed at the decision arrived at between the representative of the management and the colliery Mazdoor Sangh. According to the management job content in 14 seam is the same as in 15 seam and therefore, the trammers who were working in 15 seam were given the same rate when they were transferred to 14 seam.

18. It is admitted that the concerned workmen are piece-rated trammers and their categories are fixed, namely category V. The case of the management is that the case of the concerned workmen regarding increase in their wages per-tub can only be considered if their wages fall below the category wages, and since their earning is more than their category wages, the present demand for increase of wages per-tub is without any foundation.

19. Ext. M-4 and M-5 are the extract from the Pay-sheet for the portion of the year 1961. Ext. M-6 and M-7 are the extract of Pay-sheet for the portion of the year 1965. Ext. M-12 is the statement showing the earnings of the trammers of the Choitudih section. It shows that in the year 1961 when 14 seam was worked along with 12 and 13 seams, the gross earnings per head per week was Rs. 21.06. It further shows that when the concerned workmen were working in 15 seam their gross earning per head per week varied from Rs. 35.56 to Rs. 31.31. It further shows that when the concerned workmen came to 14 seam after its reopening the gross earning per head per week varied from Rs. 34.72 to Rs. 42.46. Ext. M12 shows that the concerned workmen did not earn less than the category V wages and that they were getting at least the same rate as they were getting when they were working in 15 seam. It also shows that their present earning is more than they were earning in the year 1961 when the 14 seam was being worked along with 12 and 13 seams. According to the management at present the work in 14 seam is at par with that of 15 seam Choitudih and the workers have been given the same wages as they were given in 15 seam. Moreover these concerned workmen are piece-rated workmen being of category V and it has not been shown that they are getting less than Category V wages.

20. Therefore, my finding is that considering rates of wages per-tub of the underground trammers of the other seam of Malkera-Choitudih collieries, the present rate given to the concerned workmen of the 14 seam trammers of Choitudih is reasonable, fair and justified and they are not entitled to any relief.

21. This is my award. It may be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd.) SACHIDANAND SINHA,

Presiding Officer.

[No. 2/145/65-LR II.]

ORDER

New Delhi, the 12th March 1970

S.O. 1083.—Whereas the Central Government is of opinion that an industrial dispute exists between Shri Jaishankar Mishra, Contractor, Manoharpur Iron Ore Mines of Messrs Indian Iron Steel Company Limited, P.O. Chiria, District Singhbhum and his workman in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal (No. 3), Dhanbad constituted under section 7A of the said Act.

SCHEDULE

"Whether Shri Jaishankar Mishra, Contractor, Mancharpur Iron Ore Mines of Messrs Indian Iron Steel Company Limited was justified in terminating the services of Shri Shikari Khandait, with effect from the 31st May, 1969? If not, to what relief is the workman entitled?"

[No. 8/1/70-LR-IV.]

P. C. MISRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 12th March 1970

S.O. 1084.—Whereas the departmentally run establishments under the control of the Ministry of Railways (hereinafter referred to as the said establishments) have applied for exemption under clause (b) of sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952);

And, whereas, the employees of the said establishments are in enjoyment of benefits in the nature of provident fund, pension or gratuity and the Central Government is of opinion that such benefits are on the whole not less favourable to such employees than the benefits provided under the Employees' Provident Funds Act, 1952 (19 of 1952) and the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said Act and the said Scheme respectively) in relation to employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (b) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in the Schedule annexed hereto, the Central Government hereby exempts the said establishments from the operation of all the provisions of the said Scheme and in pursuance of sub-section (3) of the said section 17, the Central Government hereby directs that the employer in relation to the said establishments shall pay within fifteen days of the close of the month to the Employees' Provident Fund, inspection charges at the rate of 0.09 per cent (zero point zero nine per cent) of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concession admissible thereon) for the time being payable to the employees of the said establishments who would have become members under the said Scheme but for this exemption.

THE SCHEDULE

1. The employer shall submit such returns to the Regional Provident Fund Commissioner as the Central Government may, from time to time, prescribe.
2. The employer shall furnish to each employee an annual statement of account or Pass Book.
3. All expenses involved in the administration of the fund including the maintenance of accounts, submission of accounts and returns, transfer of accumulations, payment of inspection charges etc., shall be borne by the employer.
4. Where an employee who is already member of the Employees' Provident Fund (Statutory Fund) or the Provident Fund of another exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the Fund of the establishment, and accept the past accumulations in respect of such employee and credit to his account.
5. The employer shall enhance the rate of Provident Fund contribution appropriately if the rate of provident fund contributions for the class of establishments in which his establishment falls is enhanced under the Employees' Provident Funds Act, 1952 so that the benefits under the provident fund Scheme of the establishment shall not become less favourable than the benefit provided under the Employees' Provident Funds Act, 1952.
6. Notwithstanding anything contained in the provided fund rules of the establishment if the amount payable to any member, upon his ceasing to be an employee of the establishment or transferable on his transfer to any other establishment by way of employer's and employees' contributions plus interest thereon

taken together with the amount, if any, payable under the Gratuity or Pension Rules, be less than the amount that would be payable as employer's and employees' contributions plus interest thereon, if he were a member of the Provident Fund under the Employees' Provident Funds Scheme, 1952, the employer shall pay the difference to the member as compensation or special contribution.

7. No amendment of the rules of the provident fund shall be made without the previous approval of the Central Provident Fund Commissioner. Where any amendment is likely to affect adversely the interests of the employees, the Central Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

[No. 13(7)58-PF.II.]

DALJIT SINGH, Under Secy.

अम, रोजगार और पुनर्वास मंत्रालय

(अम और रोजगार विभाग)

नई दिल्ली, 12 मार्च 1970

का० आ० 1084.—यतः रेल मंत्रालय द्वारा विभागीय रूप से चलाए जा रहे स्थापनों ने (जिन्हें इसमें इसके पश्चात् उक्त स्थापन कहा गया है) कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) की धारा 17 की उपधारा (1) के खण्ड (ख) के अधीन छूट के लिए आवेदन किया है;

श्रीर यतः उक्त स्थापनों के कर्मचारी भविष्य निधि, वेंशन या उपदान के रूप में प्रसुविधाओं का उपभोग कर रहे हैं और केन्द्रीय सरकार की राय है कि कुल गिलाकर ऐसी प्रसुविधाएं ऐसे कर्मचारियों के लिए उन प्रसुविधाओं से कम साभकारी नहीं हैं जो कर्मचारी भविष्य निधि अधिनियम, 1952 (1952 का 19) और कर्मचारी भविष्य निधि स्कीम, 1952 (जिन्हें इसमें इसके पश्चात् क्रमशः उक्त अधिनियम और उक्त स्कीम कहा गया है) के अधीन इसी प्रकार के अन्य किसी स्थापन के कर्मचारियों के संबंध में उपयोगित हैं;

यतः अब उक्त अधिनियम की धारा 17 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इसमें उपार्थक अनुसूची में विनिर्दिष्ट शर्तों के अध्यधीन रहते हुए, केन्द्रीय सरकार एतदद्वारा उक्त स्थापनों को उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देनी है और उक्त धारा 17 की उपधारा (3) का अनुसरण करते हुए केन्द्रीय सरकार एतदद्वारा निदेश देती है कि उक्त स्थापनों से संबद्ध नियोजक मास की समाप्ति के पन्द्रह दिन के अन्दर कर्मचारी भविष्य निधि को उक्त स्थापनों के उन कर्मचारियों को, तत्समय देय बेतन (आधारिक मजदूरी महंगाई भत्ता, प्रतिधारण भत्ता, यदि कोई हो, और उस पर अनुशेय खाद्य रियायत का नकल भूल्य), जो यदि यह छूट न दी जाती तो उक्त स्कीम के अधीन सदस्य बन गए होते, के 0.09 प्रतिशत (शून्य दशमलव शून्य नौ प्रतिशत) की दर से निरीक्षण प्रभार संदर्भ करेगा।

अनुसूची

1. नियोजक प्रादेशिक भविष्य निधि आमुक्त को ऐसी विवरणी देगा जो केन्द्रीय सरकार, समस्त समय पर, विहित करे।

2. नियोजक हर कर्मचारी को लेखा का विवरण या पास बुक देगा।

3. निधि के प्रशासन में, जिसमें लेखाओं को बनाए रखना, लेखाओं और विवरणियों का देना, संचयों का अन्तरण, नियोजक प्रभारों का संदाय आदि सम्मिलित है, अन्तर्वर्लित सभी खर्चों नियोजक द्वारा उठाए जाएंगे।

4. जहां कि कोइ कर्मचारी जो पहले ही कर्मचारी भविष्य निधि (कानूनी निधि) का या अन्य किसी छूट प्राप्त स्थापन की भविष्य निधि का सदस्य है उसके स्थापन में नियोजित होता है वहां नियोजक उसे स्थापन की निधि के सदस्य के रूप में नुस्खा अध्यावेशित करेगा और ऐसे कर्मचारी से संबंधित पिछले संचय को स्वीकार करेगा और उसके हिसाब में जमा करेगा ।

5. यदि उस स्थापन—वर्ग के निम्न, जिसमें उसका स्थापन आता हो, भविष्य निधि अभिदाय की दर कर्मचारी भविष्य निधि अधिनियम, 1952 के अधीन बढ़ा दी जाती है तो नियोजक भविष्य निधि अभिदाय की दर को समुचितरूप में ऐसे बढ़ा देगा ताकि स्थापन की भविष्य निधि स्कीम के अधीन की प्रमुखियाएं कर्मचारी भविष्य निधि अधिनियम, 1952 के अधीन उपबंधित प्रमुखिया की अपेक्षा में कम लाभकारी न हों ।

6. स्थापन के भविष्य निधि नियमों में किसी बात के होते हुए भी यदि किसी सदस्य को, उस स्थापन का कर्मचारी न रह जाने पर देय या किसी अन्य स्थापन में उसके अन्तरण हो जाने पर अन्तरणीय, नियोजक और कर्मचारी के अभिदायों के रूप में रकम और उस पर ब्याज तथा उसके साथ वह जोड़कर, यदि कोई हो, जो उपलब्ध या पेंशन नियमों के अधीन देय हो, जो रकम, आए वह, उस रकम से कम हो जो, यदि वह कर्मचारी भविष्य निधि स्कीम, 1952 के अधीन भविष्य निधि का सदस्य रहा हो तो नियोजक और कर्मचारी के अभिदायों तथा उन पर ब्याज के रूप में देय होगी, तो नियोजक उसका अन्तर सदस्य को प्रतिकर या विशेष अभिदाय के रूप में संदर्भ करेगा ।

7. भविष्य निधि के नियमों में कोई भी संशोधन केन्द्रीय भविष्य निधि आयुक्त के पूर्व अनुमोदन के बिना नहीं किया जाएगा । जहां कि किसी संशोधन से कर्मचारियों के हितों पर प्रतिकूल प्रभाव पड़ना संभाव्य हो, वहां केन्द्रीय भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपने दृष्टिकोण का स्पष्टीकरण देने का युक्तियुक्त अवसर देगा ।

[सं० 13(7) 58-पी० एफ० II]

दलजीत सिंह, अवर सचिव ।

(Department of Labour and Employment)

[Officer of the Chief Labour Commissioner (Central)]

ORDER

New Delhi, the 12th March 1970

S.O. 1085.—Whereas an application has been made under section 19(b) of the Payment of Bonus Act, 1965 by Messrs Tiffin's Barytes, Asbestos & Paints Ltd., (employer) in relation to their establishments mentioned in the Schedule below for extension of the period for the payment of bonus to their employees for the accounting year ending on 31st March, 1969.

And, whereas, being satisfied that there are sufficient reasons to extend the time I have, in exercise of the powers conferred on me by the proviso to clause (b) of Section 19 of the said Act read with the notification of the Government of India in the Ministry of Labour and Employment No. WB-20(42)/65 dated the 28th August, 1965, passed orders on 5th March, 1970 extending the period for payment of the said bonus by the said employer by Four months upto 31st March, 1970 from the last date for payment of bonus under clause (b) of Section 19 of the Act.

Now this is published for information of the employer and all the employees of the said establishment.

THE SCHEDULE

Name and address of the employer(s)	Establishment(s).
M/s. Tiffin's Barytes, Asbestos & Paints Ltd., Andhra Chamber Building, 272/273, Angappa Naik St., Madras-1.	2. Barytes Mine Pulivendla Taluk. 2. Barytes Mine Pulivendla Taluk.

[No. BA-8(38)/69-LS-1.]

S. C. GUPTA,
Chief Labour Commissioner (Central).

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 16th February 1970

S.O. 1086.—In exercise of the powers conferred by section 5 of the Administration of Evacuee Property Act, 1950 (31 of 1950), the Central Government hereby appoints Shri S. K. Gangopadhyay, Joint Secretary in the Ministry of Labour, Employment and Rehabilitation (Department of Rehabilitation) as Custodian General of Evacuee Property for the purpose of performing the functions assigned to such Custodian General by or under the said Act with effect from the 16th February, 1970.

[No. 5/1/Admn. II/70.]

SHIV KUMAR VERMA, Under Secy.

(Department of Rehabilitation)

(Office of the Chief Settlement Commissioner)

New Delhi, the 11th March 1970

S.O. 1087.—In exercise of the powers conferred by Sub-Section (1) of Section 4 of the Evacuee Interest (Separation) Act, 1951, the Central Government hereby appoints for the Union Territory of Himachal Pradesh, Shri Bhagwandas Sugna Singh, Law Officer in the office of Chief Settlement Commissioner as Competent Officer for the purpose of discharging the duties assigned to the Competent Officer by or under the said Act, within the said Territory, with immediate effect.

[No. 6/6/ARG/62.]

JANKI NATH,
Settlement Commissioner(C) & Ex-Officio, Under Secy.

(Department of Rehabilitation)

(Office of the Regional Settlement Commissioner)

New Delhi, the 7th March 1970

S.O. 1088.—In exercise of the powers vested in me under Section 55(4) of the Administration of Evacuee Property Act 1950 (Act XXXI of 1950) I Gulab L. Ajwani, Regional Settlement Commissioner-cum-Custodian of Evacuee Property, New Delhi hereby delegate to Shri G. P. Jaggi, Settlement Officer in my Office the powers of the Deputy Custodian as well as authorised Deputy Custodian for the purpose of discharging the duties imposed on the Custodian by or under the said Act with immediate effect.

[No. F-29(219)/Admn/RSCD.]

GULAB L. AJWANI,
Regional Settlement Commissioner-cum-Custodian of Evacuee Property.

